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7 Attorneys for Defendants
NEVADA COUNTY and KATHARINE
8 ELLIOTT

9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**
11

12 TUCK’S RESTAURANT AND BAR, a
California corporation, KENNETH R. PAIGE;
13 CHAD PAIGE; BUCKMAN ENTERPRISES,
LLC, a California limited liability company;
14 ROBIN BUCKMAN; and THE NEVADA
COUNTY RESTAURANT COALITION, an
15 unincorporated membership association,

16 Plaintiffs,

17 v.

18 NEVADA COUNTY, CALIFORNIA;
KATHARINE ELLIOTT; and DOES 1-10
19 inclusive,

20 Defendants.
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Case No. 2:20-cv-02256-KJM-CKD

**DECLARATION OF ATTORNEY DAVID
MEHRETU IN SUPPORT OF NEVADA
COUNTY DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION [EXHIBITS 12-20]**

Judge: Hon. Kimberly J. Mueller

Date: January 26, 2024

Time: 10:00 a.m.

Crtrm: 3

Trial Date: None Set

1 I, David Mehretu, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am a Principal with
3 Meyers Nave, attorneys of record for Defendants Nevada County and Katharine Elliott (the
4 “Nevada County Defendants”) in this action. I have personal knowledge of the facts set forth
5 herein. If called as a witness, I could and would competently testify to the matters stated herein.

6 2. On August 4, 2023, Plaintiff Tuck’s Restaurant and Bar served its responses to the
7 Nevada County Defendants’ Requests for Admission, Set One. Attached hereto as **Exhibit 12** is a
8 true and correct copy of Plaintiff Tuck’s Restaurant and Bar’s Response to Requests for
9 Admissions, Set One, with proof of service, served August 4, 2020.

10 3. On August 31, 2023, Plaintiff Buckman Enterprises, LLC served its supplemental
11 responses to the Nevada County Defendants’ Requests for Admission, Set One. Attached hereto
12 as **Exhibit 13** is a true and correct copy of Plaintiff Buckman Enterprises, LLC’s Supplemental
13 Response to Requests for Admissions, Set One, with proof of service, served August 31, 2023.

14 4. On September 5, 2023, the Nevada County Defendants took the deposition of
15 Plaintiff Chad Paige. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from
16 the certified transcript of the deposition of Chad Paige, taken September 5, 2023.

17 5. On September 6, 2023, the Nevada County Defendants took the deposition of
18 Plaintiff Kenneth Paige, in his individual capacity and as the representative of Plaintiffs Tuck’s
19 Restaurant and Bar and the Nevada County Restaurant Coalition, pursuant to Federal Rules of
20 Civil Procedure, Rule 30(b)(6). Attached hereto as **Exhibit 15** is a true and correct copy of
21 excerpts from the certified transcript of the deposition of Kenneth Paige, taken September 6, 2023.

22 6. On September 7, 2023, the Nevada County Defendants took the deposition of
23 Plaintiff Robin Buckman, in his individual capacity and as the representative of Plaintiff Buckman
24 Enterprises, LLC, pursuant to Federal Rules of Civil Procedure, Rule 30(b)(6). Attached hereto as
25 **Exhibit 16** is a true and correct copy of excerpts from the certified transcript of the deposition of
26 Robin Buckman, taken September 7, 2023.

27 7. On September 18, 2023, Plaintiffs took the deposition of Claire Chapple, Nevada
28 County Environmental Health Specialist IV. Attached hereto as **Exhibit 17** is a true and correct

1 copy of excerpts from the certified transcript of the deposition of Claire Chapple, taken September
2 18, 2023.

3 8. On September 18, 2023, Plaintiffs took the deposition of Nicole Johnson, Nevada
4 County Environmental Health Specialist II. Attached hereto as **Exhibit 18** is a true and correct
5 copy of excerpts from the certified transcript of the deposition of Nicole Johnson, taken September
6 18, 2023.

7 9. On September 19, 2023, Plaintiffs took the deposition of Amy Irani, Nevada
8 County Environmental Health Director. Attached hereto as **Exhibit 19** is a true and correct copy
9 of excerpts from the certified transcript of the deposition of Amy Irani, taken September 19, 2023.

10 10. On September 20, 2023, Plaintiffs took the deposition of Katharine Elliott, Nevada
11 County Counsel. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts from the
12 certified transcript of the deposition of Katharine Elliott, taken September 20, 2023.

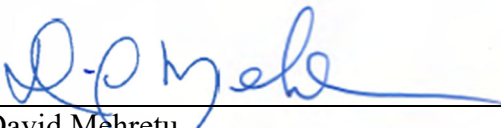
13

14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct.

16 Executed on November 21, 2023, at Oakland, California

17

18



David Mehretu

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5509929

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EXHIBIT 12

1 Steven C. Bailey (SBN 146382)
[Designated Counsel for Service]
2 Martha E. Romero (SBN 128144)
BAILEY & ROMERO
3 2535 Kettner Blvd., Suite 2A1
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5 Attorneys for Plaintiffs Tuck’s Restaurant and Bar,
6 Kenneth R. Paige, Chad Page, Buckman Enterprises, LLC,
Robin Buckman, and The Nevada County Restaurant
7 Coalition

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

10 TUCK’S RESTAURANT AND BAR, et al.,
11 Plaintiffs,
12 v.
13 NEVADA COUNTY, CALIFORNIA, et al.,
14 Defendants.

Case No. 2:20-cv-02256-KJM-CKD

**PLAINTIFF TUCK’S RESTAURANT AND
BAR’S RESPONSE TO REQUESTS FOR
ADMISSIONS, SET ONE**

16 Plaintiff Tuck’s Restaurant and Bar, by and through undersigned counsel, responds as
17 follows to Defendants’ Request for Admissions.

18 REQUEST NO. 1:

19 Admit that YOU were aware, during the time period from March 19, 2020, to May 8,
20 2020, that PUBLIC HEALTH ORDERS in place during that time required food service
21 establishments
22 such as YOU to cease providing indoor dining services.

23 ANSWER NO. 1:

24 Admit

25 REQUEST NO. 2:

26 Admit that YOU offered indoor dining services during the time period from March 19,
27 2020 to May 8, 2020.

28 ANSWER NO 2:

1 Admit

2 REQUEST NO. 3

3 Admit that YOU advertised to the public that YOU were open for indoor dining during the
4 time period from March 19, 2020 to May 8, 2020.

5 ANSWER NO. 3:

6 Admit

7 REQUEST NO. 4:

8 Admit that YOU were aware, during the time period from July 13, 2020 to August 28,
9 2020, that PUBLIC HEALTH ORDERS in place during that time required food service
10 establishments such as YOU to limit in-person dining services to outdoor seating.

11 ANSWER NO. 4:

12 Admit

13 REQUEST NO. 5:

14 Admit that YOU offered indoor dining services during the time period from July 13, 2020
15 to August 28, 2020.

16 ANSWER NO. 5:

17 Admit

18 REQUEST NO. 6:

19 Admit that YOU advertised to the public that YOU were open for indoor dining during the
20 time period from July 13, 2020 to August 28, 2020.

21 ANSWER NO. 6:

22 Admit

23 REQUEST NO. 7

24 Admit that YOU were aware, during the time period from December 11, 2020 to January
25 12, 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
26 establishments such as YOU to cease providing on-site dining services.

27 ANSWER NO. 7

28 Admit

1 REQUEST NO. 8:

2 Admit that YOU offered on-site dining services during the time period from December 11,
3 2020 to January 12, 2021.

4 ANSWER NO. 8:

5 Admit

6 REQUEST NO. 9:

7 Admit that YOU advertised to the public that YOU were open for on-site dining during the time
8 period from December 11, 2020 to January 12, 2021.

9 ANSWER NO. 9:

10 Admit

11 REQUEST NO. 10:

12 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
13 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
14 establishments such as YOU to limit indoor dining capacity.

15 ANSWER NO. 10:

16 Admit

17 REQUEST NO. 11:

18 Admit that YOU did not limit indoor dining capacity during the time period from March
19 19, 2020 to June 15, 2021.

20 ANSWER NO. 11:

21 Admit

22 REQUEST NO. 12:

23 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
24 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
25 establishments such as YOU to comply with masking requirements in connection with indoor
26 dining services.

27 ANSWER NO. 12:

28 Admit

1 REQUEST NO. 13:

2 Admit that YOU allowed patrons to forego wearing masks indoors during the time period
3 from March 19, 2020 to June 15, 2021.

4 ANSWER NO. 13:

5 Admit

6 REQUEST NO. 14:

7 Admit that YOU allowed employees to forego wearing indoors during the time period
8 from March 19, 2020 to June 15, 2021.

9 ANSWER NO. 14:

10 Admit

11 REQUEST NO. 15:

12 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
13 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
14 establishments such as YOU to comply with social distancing requirements in connection with
15 indoor dining services.

16 ANSWER NO. 15:

17 Admit

18 REQUEST NO. 16:

19 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
20 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
21 establishments such as YOU to comply with social distancing requirements in connection with
22 indoor dining services.

23 ANSWER NO. 16:

24 Admit

25 REQUEST NO. 17:

26 Admit that YOU posted a menu over the closure order issued by Defendant Nevada
27 County posted outside Tuck's Restaurant and Bar on at least one occasion during the time period
28 from March 19, 2020 to June 15, 2021.

1 ANSWER NO. 17:

2 Deny

3 REQUEST NO. 18:

4 Admit that YOU were aware, during the time period from March 19, 2020 to January 12,
5 2021, that PUBLIC HEALTH ORDERS in place during that time prohibited food service
6 establishments such as YOU from hosting large events, including live music concerts.

7 ANSWER NO. 18:

8 Admit

9 REQUEST NO. 19:

10 Admit that YOU advertised to the public large events, including live music concerts,
11 hosted by YOU during the time period from March 19, 2020 to January 12, 2021.

12 ANSWER NO. 19:

13 Admit

14 REQUEST NO. 20:

15 Admit that YOU hosted large events, including live music concerts, during the time period
16 from March 19, 2020 to June 15, 2021.

17 ANSWER NO. 20:

18 Admit

19 REQUEST NO. 21:

20 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
21 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
22 establishments such as you to comply with masking and social distancing requirements in
23 connection with outdoor live music.

24 ANSWER NO. 21:

25 Admit

26 REQUEST NO. 22:

27 Admit that YOU did not comply with masking and social distancing requirements in
28 connection with outdoor live music during the time period from March 19, 2020 to June 15, 2021.

1 ANSWER NO. 22:

2 Admit

3 REQUEST NO. 23:

4 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
5 2021, that PUBLIC HEALTH ORDERS in place at that time prohibited food service
6 establishments such as YOU from having live music indoors.

7 ANSWER NO. 23:

8 Admit

9 REQUEST NO. 24:

10 Admit that YOU advertised to the public that YOU offered live music indoors during the
11 time period from March 19, 2020, to January 12, 2021.

12 ANSWER NO. 24:

13 Admit

14 REQUEST NO. 25:

15 Admit that YOU had live music indoors during the time period from March 19, 2020 to
16 January 12, 2021.

17 ANSWER NO. 25:

18 Admit

19 REQUEST NO. 26:

20 Admit that YOU hosted a New Year's Eve event on December 31, 2020.

21 ANSWER NO. 26:

22 Admit

23 REQUEST NO. 27:

24 Admit that YOU did not comply with masking and social distancing requirements at the
25 New Year's Eve event YOU hosted on December 31, 2020.

26 ANSWER NO. 27:

27 Admit

28 REQUEST NO. 28:

1 Admit that YOU hosted a Nevada Union High School Junior/Senior prom event on May
2 11, 2021.

3 ANSWER NO. 28:

4 Admit

5 REQUEST NO. 29:

6 Admit that YOU did not comply with masking and social distancing requirements at the
7 Nevada Union High School Junior/Senior prom event YOU hosted on May 11, 2021.

8 ANSWER NO. 29:

9 Admit

10 REQUEST NO. 30:

11 Admit that YOU received complaints from citizens and local businesses about YOUR non-
12 compliance with the PUBLIC HEALTH ORDERS during the time period from March 19, 2020 to
13 June 15, 2021.

14 ANSWER NO. 30:

15 Admit and we responded as respectfully as we should.

16 REQUEST NO. 31:

17 Admit that YOU were aware that DEFENDANTS received complaints from citizens
18 and/or local businesses about YOUR non-compliance with the PUBLIC HEALTH ORDERS
19 during the time period from March 19, 2020 to June 15, 2021.

20 ANSWER NO. 31:

21 Admit and we responded as respectfully as we should.

22 REQUEST NO. 32:

23 Admit that YOUR damages in connection with this ACTION are nominal.

24 ANSWER NO. 32:

25 Deny, significant damage financially, and to our reputation with significant mental and
26 emotional damage that continues today.

27 REQUEST NO. 33:

28 Admit that YOU were not damaged as a result of any Nevada County PUBLIC HEALTH

1 ORDER.

2 ANSWER NO. 33:

3 Deny, significant damage financially, and to our reputation with significant mental and
4 emotional damage that continues today.

5 REQUEST NO. 34:

6 Admit that, during the time period from March 19, 2020 to July 21, 2020, YOU received
7 notifications and warnings from DEFENDANTS RELATING TO YOUR non-compliance with
8 the PUBLIC HEALTH ORDERS.

9 ANSWER NO. 34:

10 Admit

11 REQUEST NO. 35:

12 Admit that, during the time period from March 19, 2020 to July 21, 2020, DEFENDANTS
13 provided YOU with guidance RELATING TO compliance with the PUBLIC HEALTH ORDERS.

14 ANSWER NO. 35:

15 Admit

16 REQUEST NO. 36:

17 Admit that, during the time period from March 19, 2020 to July 21, 2020, YOU did not
18 comply with the PUBLIC HEALTH ORDERS.

19 ANSWER NO. 36:

20 Admit

21 REQUEST NO. 37:

22 Admit that on July 21, 2020, DEFENDANTS issued a notice of violation and closure order
23 to YOU RELATING TO YOUR non-compliance with the PUBLIC HEALTH ORDERS.

24 ANSWER NO. 37:

25 Admit

26 REQUEST NO. 38:

27 Admit that the notice of violation issued by DEFENDANTS to YOU on July 21, 2020
28

1 informed YOU that fines would be imposed and YOUR permit would be suspended if YOU failed
2 to comply with the PUBLIC HEALTH ORDERS.

3 ANSWER NO. 38:

4 Admit

5 REQUEST NO. 39:

6 Admit that after July 21, 2020, DEFENDANTS offered to assist YOU with further
7 guidance RELATING TO compliance with the PUBLIC HEALTH ORDER.

8 ANSWER NO. 39:

9 Admit

10 REQUEST NO. 40:

11 Admit that, after July 21, 2020, DEFENDANTS offered to assist YOU with developing a
12 compliance and/or mitigation plan RELATING TO the PUBLIC HEALTH ORDERS.

13 ANSWER NO. 40:

14 Admit

15 REQUEST NO. 41:

16 Admit that, after July 21, 2020, DEFENDANTS provided YOU with suggested
17 compliance and/or mitigation plan(s) RELATING TO the PUBLIC HEALTH ORDERS.

18 ANSWER NO. 41:

19 Admit

20 REQUEST NO. 42:

21 Admit that, after receiving the notice of violation and closure order issued by
22 DEFENDANTS to YOU on July 21, 2020, YOU did not comply with the PUBLIC HEALTH
23 ORDERS.

24 ANSWER NO. 42:

25 Admit

26 REQUEST NO. 43:

27 Admit that, after YOU did not comply with the notice of violation and closure order issued
28

1 by DEFENDANTS to YOU on July 21, 2020, DEFENDANTS imposed a fine of \$2,883 on YOU
2 for violations of the PUBLIC HEALTH ORDERS.

3 ANSWER NO. 43:

4 Admit

5 REQUEST NO. 44:

6 Admit that, after YOU did not comply with the notice of violation and closure order issued
7 by DEFENDANTS to YOU on July 21, 2020, DEFENDANTS suspended YOUR permit for
8 violations of the PUBLIC HEALTH ORDERS.

9 ANSWER NO. 44:

10 Admit

11 REQUEST NO. 45:

12 Admit that YOU operated without a permit during the time period from July 21, 2020 to
13 August 4, 2020.

14 ANSWER NO. 45:

15 Admit

16 REQUEST NO. 46:

17 Admit that YOU were aware of Nevada County inspecting and/or citing other food
18 services establishments for compliance with the PUBLIC HEALTH ORDERS between March 19,
19 2020 and June 15, 2021.

20 ANSWER NO. 46:

21 Admit

22 REQUEST NO. 47:

23 Admit that, upon YOUR request, DEFENDANTS met with YOU on August 3, 2020 to
24 discuss YOUR fine and permit suspension.

25 ANSWER NO. 47:

26 Admit

27 REQUEST NO. 48:

28 Admit that, at the August 3, 2020 meeting, DEFENDANTS informed YOU that in order

1 for YOUR permit to be reinstated and/or the fine imposed on YOU to be reduced, YOU would
2 need to comply with PUBLIC HEALTH ORDERS.

3 ANSWER NO. 48:

4 Deny, Defendants stated that the Plaintiffs needed to stop writing letters complaining about
5 COVID-19 Public Health Orders and behave themselves to obtain a negotiated reduction of fines
6 and to obtain reinstatement of Operating Permit.

7 REQUEST NO. 49:

8 Admit that, at the August 3, 2020 meeting, DEFENDANTS informed YOU that
9 DEFENDANTS would stay enforcement of the fine imposed on YOU until September 3, 2020
10 under the understanding that YOU would comply with the PUBLIC HEALTH ORDERS.

11 ANSWER NO. 49:

12 Deny, Defendants stated that the Plaintiffs needed to stop writing letters complaining about
13 COVID-19 Public Health Orders and behave themselves to obtain a negotiated reduction of fines
14 and to obtain reinstatement of Operating Permit.

15 REQUEST NO. 50:

16 Admit that, following the August 3, 2020 meeting, DEFENDANTS reduced the fine
17 imposed on YOU to \$961.00.

18 ANSWER NO. 50:

19 Admit

20 REQUEST NO. 51:

21 Admit that, following the August 3, 2020 meeting, DEFENDANTS did not impose any
22 more fines for YOUR failure to comply with the PUBLIC HEALTH ORDERS.

23 ANSWER NO. 51:

24 Admit

25 REQUEST NO. 52:

26 Admit that, on August 4, 2020, DEFENDANTS reinstated YOUR permit.

27 ANSWER NO. 52:

28 Admit

1 REQUEST NO. 53:

2 Admit that, following DEFENDANTS' reinstatement of YOUR permit on August 4, 2020,
3 YOU continued not to comply with the PUBLIC HEALTH ORDERS.

4 ANSWER NO. 53:

5 Admit

6 REQUEST NO. 54:

7 Admit that YOU have not paid any portion of the fine imposed on YOU by
8 DEFENDANTS for YOUR non-compliance with the PUBLIC HEALTH ORDERS.

9 ANSWER NO. 54:

10 Admit

11 REQUEST NO. 55:

12 Admit that DEFENDANTS never took any enforcement action against YOU for YOUR
13 failure to comply with the PUBLIC HEALTH ORDERS.

14 ANSWER NO. 55:

15 Deny, defendants imposed a closure Order, imposed fines, and revoked Responding
16 Party's Operating Permit.

17 REQUEST NO. 56:

18 Admit that DEFENDANTS never terminated YOUR utilities for YOUR failure to
19 comply with the PUBLIC HEALTH ORDERS.

20 ANSWER NO. 56:

21 Admit

22 REQUEST NO. 57:

23 Admit that YOU continued to "ask[] patrons, family, and friends to write to
24 [DEFENDANTS] to express opposition to the shutdown of local restaurants," as referenced in
25 Paragraph 33 of the COMPLAINT, after receiving the July 21, 2020 notice of violation and
26 closure order.

27 ANSWER NO. 57:

28 Admit

1 REQUEST NO. 58:

2 Admit that YOU continued to “ask[] patrons, family, and friends to write to
3 [DEFENDANTS] to express opposition to the shutdown of local restaurants,” as referenced in
4 Paragraph 33 of the COMPLAINT, after YOUR permit was suspended.

5 ANSWER NO. 58:

6 Admit

7 REQUEST NO. 59:

8 Admit that YOU continued to “ask[] patrons, family, and friends to write to
9 [DEFENDANTS] to express opposition to the shutdown of local restaurants,” as referenced in
10 Paragraph 33 of the COMPLAINT, after DEFENDANTS imposed a fine on YOU for YOUR non-
11 compliance with the PUBLIC HEALTH ORDERS.

12 ANSWER NO. 59:

13 Admit

14 REQUEST NO. 60:

15 Admit that YOU continued to “ask[] patrons, family, and friends to write to
16 [DEFENDANTS] to express opposition to the shutdown of local restaurants,” as referenced in
17 Paragraph 33 of the COMPLAINT, after the August 3, 2020 meeting referenced in Paragraph 35
18 of the COMPLAINT.

19 ANSWER NO. 60:

20 Admit

21 REQUEST NO. 61:

22 Admit that YOU continued to criticize, complain about, protest, and/or express opposition
23 to the shutdown of and/or restrictions on local restaurants, after receiving the July 21, 2020 notice
24 of violation and closure order.

25 ANSWER NO. 61:

26 Admit

27 REQUEST NO. 62:

28 Admit that YOU continued to criticize, complain about, protest, and/or express opposition

1 to the shutdown of and/or restrictions on local restaurants, after YOUR permit was suspended.

2 ANSWER NO. 62:

3 Admit

4 REQUEST NO. 63:

5 Admit that YOU continued to criticize, complain about, protest, and/or express opposition
6 to the shutdown of and/or restrictions on local restaurants, after DEFENDANTS imposed a fine on
7 YOU for YOUR non-compliance with the PUBLIC HEALTH ORDERS.

8 ANSWER NO. 63:

9 Admit

10 REQUEST NO. 64:

11 Admit that YOU continued to criticize, complain about, protest, and/or express opposition
12 to the shutdown of and/or restrictions on local restaurants, after the August 3, 2020 meeting
13 referenced in Paragraph 35 of the COMPLAINT.

14 ANSWER NO. 64:

15 Admit

16 REQUEST NO. 65:

17 Admit that YOU continued to ask and/or encourage other PERSONS to criticize, complain
18 about, protest, and/or express opposition to the shutdown of and/or restrictions on local
19 restaurants, after receiving the July 21, 2020 notice of violation and closure order.

20 ANSWER NO. 65:

21 Admit

22 REQUEST NO. 66:

23 Admit that YOU continued to ask and/or encourage other PERSONS to criticize, complain
24 about, protest, and/or express opposition to the shutdown of and/or restrictions on local
25 restaurants, after YOUR permit was suspended.

26 ANSWER NO. 66:

27 Admit

28 REQUEST NO. 67:

1 Admit that YOU continued to ask and/or encourage other PERSONS to criticize, complain
2 about, protest, and/or express opposition to the shutdown of and/or restrictions on local
3 restaurants, after DEFENDANTS imposed a fine on YOU for YOUR non-compliance with the
4 PUBLIC HEALTH ORDERS.

5 ANSWER NO. 67:

6 Admit

7 REQUEST NO. 68:

8 Admit that YOU continued to ask and/or encourage other PERSONS to criticize, complain
9 about, protest, and/or express opposition to the shutdown of and/or restrictions on local
10 restaurants, after the August 3, 2020 meeting referenced in Paragraph 35 of the COMPLAINT.

11 ANSWER NO. 68:

12 Admit

13 REQUEST NO. 69:

14 Admit that YOU continued to organize, attend, and/or participate in meetings RELATED
15 TO the shutdown of and/or restrictions on local restaurants, after receiving the July 21, 2020
16 notice of violation and closure order.

17 ANSWER NO. 69:

18 Admit

19 REQUEST NO. 70:

20 Admit that YOU continued to organize, attend, and/or participate in meetings RELATED
21 TO the shutdown of and/or restrictions on local restaurants, after YOUR permit was suspended.

22 ANSWER NO. 70:

23 Admit

24 REQUEST NO. 71:

25 Admit that YOU continued to organize, attend, and/or participate in meetings RELATED
26 TO the shutdown of and/or restrictions on local restaurants, after DEFENDANTS imposed a fine
27 on YOU for YOUR non-compliance with the PUBLIC HEALTH ORDERS.

28 ANSWER NO. 71:

1 Admit

2 REQUEST NO. 72:

3 Admit that YOU continued to organize, attend, and/or participate in meetings RELATED
4 TO the shutdown of and/or restrictions on local restaurants, after the August 3, 2020 meeting
5 referenced in Paragraph 35 of the COMPLAINT.

6 ANSWER NO. 72:

7 Admit

8 REQUEST NO. 73:

9 Admit that DEFENDANTS are not currently engaging in retaliation against YOU for
10 exercising YOUR rights under the U.S. Constitution.

11 ANSWER NO. 73:

12 Deny

13 REQUEST NO. 74:

14 Admit that DEFENDANTS are not currently violating YOUR First Amendment rights.

15 ANSWER NO. 74:

16 Deny

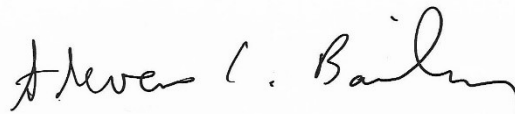
17

18 Date: August 3, 2023

BAILEY AND ROMERO

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Steven C. Bailey
*Attorneys for Plaintiffs Tuck's Restaurant and Bar,
Kenneth R. Paige, Chad Page, Buckman Enterprises,
LLC, Robin Buckman, and The Nevada County
Restaurant Coalition*

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1 Steven C. Bailey (SBN 146382)
[Designated Counsel for Service]
2 Martha E. Romero (SBN 128144)
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5
6 Attorneys for Plaintiffs Tuck’s Restaurant and Bar,
Kenneth R. Paige, Chad Page, Buckman Enterprises, LLC,
Robin Buckman, and The Nevada County Restaurant
7 Coalition

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

10 TUCK’S RESTAURANT AND BAR, et al.,
11 Plaintiffs,
12 v.
13 NEVADA COUNTY, CALIFORNIA, et al.,
14 Defendants.

Case No. 2:20-cv-02256-KJM-CKD
PROOF OF SERVICE
Judge: Hon Kimberly J. Mueller
Crtrm 3
Trial Date: None Set

16 I hereby certify, at the time of service, that I was over 18 years of age and not a party to this
17 action. I am employed in the County of San Diego, State of California. My business address is
18 2535 Kettner Blvd., Suite 2A1 San Diego CA 92101.

19 On August 4, 2023, I served the following document (s) described as

- 20
- 21 • PLAINTIFF BUCKMAN ENTERPRISES’S RESPONSE TO REQUESTS FOR ADMISSIONS, (SET ONE):
 - 22 • PLAINTIFF ROBIN BUCKMAN’S RESPONSE TO REQUESTS FOR ADMISSIONS, (SET ONE):
 - 23 • PLAINTIFF CHAD PAIGE’S RESPONSE TO REQUESTS FOR ADMISSIONS, (SET ONE):
 - 24 • PLAINTIFF KENNETH PAIGE’S RESPONSE TO REQUESTS FOR ADMISSIONS, (SET ONE):
 - 25 • PLAINTIFF TUCK’S RESTAURANT AND BAR’S RESPONSE TO REQUESTS FOR ADMISSIONS, (SET ONE):
 - 26 • PLAINTIFF KENNETH PAIGE’S RESPONSE TO REQUESTS FOR ADMISSIONS, (SET ONE):
 - 27 • PLAINTIFF TUCK’S RESTAURANT AND BAR’S RESPONSE TO REQUESTS FOR ADMISSIONS (SET ONE):
 - 28

- 1 • PLAINTIFF NEVADA COUNTY RESTAURANT COALITION'S RESPONSE TO
2 REQUESTS FOR ADMISSION (SET ONE):
- 3 • PLAINTIFF BUCKMAN ENTERPRISES'S RESPONSE TO REQUESTS FOR
4 PRODUCTION OF DOCUMENTS (SET ONE):
- 5 • PLAINTIFF CHAD PAIGE'S RESPONSE TO REQUESTS FOR PRODUCTION OF
6 DOCUMENTS (SET ONE):
- 7 • PLAINTIFF KEN PAIGE'S RESPONSE TO REQUESTS FOR PRODUCTION OF
8 DOCUMENTS (SET ONE):
- 9 • PLAINTIFF NEVADA COUNTY RESTAURANT COALITION RESPONSE TO
10 REQUESTS FOR PRODUCTION OF DOCUMENTS (SET ONE):
- 11 • PLAINTIFF ROBIN BUCKMAN'S RESPONSE TO REQUESTS FOR PRODUCTION
12 OF DOCUMENTS (SET ONE):
- 13 • PLAINTIFF TUCKS RESTAURANT AND BAR RESPONSES TO DEFENDANTS'
14 REQUEST FOR PRODUCTION OF DOCUMENTS (SET ONE):
- 15 • PLAINTIFF BUCKMAN ENTERPRISES, LLC'S RESPONSE TO
16 INTERROGATORIES (SET ONE):
- 17 • PLAINTIFF CHAD PAIGE'S RESPONSE TO INTERROGATORIES (SET ONE):
- 18 • PLAINTIFF NEVADA COUNTY RESTAURANT COALITION'S RESPONSE TO
19 INTERROGATORIES (SET ONE):
- 20 • PLAINTIFF KENNETH PAIGE'S RESPONSE TO INTERROGATORIES (SET ONE)
- 21 • PLAINTIFF ROBIN BUCKMAN'S RESPONSE TO INTERROGATORIES (SET ONE)
- 22 • PLAINTIFF TUCK'S RESTAURANT AND BAR'S RESPONSE TO
23 INTERROGATORIES (SET ONE):

24 on the interested parties in this action as follows:

25 Deborah J. Fox
26 555 Capital Mall, Suite 1200
27 Sacramento, California 95814
28 Telephone: (916) 556-1531
Email: dfox@meyersnave.com

Attorney for Defendants
Nevada County California
Katherine Elliott

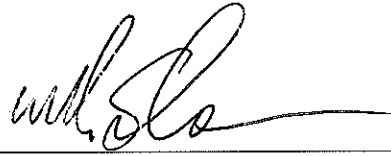
25 **BY ELECTRONIC TRANSMISSION:** I caused a copy of the documents to be sent from e-mail
26 address william@baileyandromero.net to the person(s) at the e-mail address listed in the Service
27 List. I did not receive, within a reasonable time after transmission, any electronic message or other
28 indication that the transmission was unsuccessful.

1 Executed on August 4, 2023 at San Diego, California.

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A handwritten signature in black ink, appearing to read "William Salerno", is written over a horizontal line.

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William Salerno

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EXHIBIT 13

1 Steven C. Bailey (SBN 146382)
[Designated Counsel for Service]
2 Martha E. Romero (SBN 128144)
3 BAILEY & ROMERO
2535 Kettner Blvd., Suite 2A1
4 San Diego CA 92101
(619) 323-1389
5 steven@baileyandromerolaw.net

6 Robert E. Williams (SBN 255179)
7 Law Offices of Robert E. Williams
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8 San Diego CA 92101
(619) 323-1390
9 rew@rewilliamsllaw.com

10 Attorneys for Plaintiffs Tuck’s Restaurant and Bar,
11 Kenneth R. Paige, Chad Page, Buckman Enterprises, LLC,
Robin Buckman, and The Nevada County Restaurant
12 Coalition

13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

15
16 TUCK’S RESTAURANT AND BAR, et al.,
17 Plaintiffs,
18 v.
19 NEVADA COUNTY, CALIFORNIA, et al.,
20 Defendants.

Case No. 2:20-cv-02256-KJM-CKD

**PLAINTIFF BUCKMAN ENTERPRISES,
LLC’S SUPPLEMENTAL RESPONSE TO
REQUESTS FOR ADMISSIONS, SET
ONE**

21 Plaintiff Buckman Enterprises, LLC, by and through undersigned counsel, responds as
22 follows to Defendants’ Request for Admissions, Set One.

23 REQUEST NO. 1

24 Admit that YOU were aware, during the time period from March 19, 2020, to May 8,
25 2020, that PUBLIC HEALTH ORDERS in place during that time required food service
26 establishments
27 such as YOU to cease providing indoor dining services.

28 ANSWER NO. 1

1 Admit

2 REQUEST NO. 2

3 Admit that YOU offered indoor dining services during the time period from March 19,
4 2020 to May 8, 2020.

5 ANSWER NO 2

6 Admit

7 REQUEST NO. 3

8 Admit that YOU advertised to the public that YOU were open for indoor dining during the
9 time period from March 19, 2020 to May 8, 2020.

10 ANSWER NO. 3

11 Admit

12 REQUEST NO. 4

13 Admit that YOU were aware, during the time period from July 13, 2020 to August 28,
14 2020, that PUBLIC HEALTH ORDERS in place during that time required food service
15 establishments such as YOU to limit in-person dining services to outdoor seating.

16 ANSWER NO. 4

17 Admit

18 REQUEST NO. 5

19 Admit that YOU offered indoor dining services during the time period from July 13, 2020
20 to August 28, 2020.

21 ANSWER NO. 5

22 Admit

23 REQUEST NO. 6

24 Admit that YOU advertised to the public that YOU were open for indoor dining during the
25 time period from July 13, 2020 to August 28, 2020.

26 ANSWER NO. 6

27 Admit

28 REQUEST NO. 7

1 Admit that YOU were aware, during the time period from December 11, 2020 to January
2 12, 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
3 establishments such as YOU to cease providing on-site dining services.

4 ANSWER NO. 7

5 Admit

6 REQUEST NO. 8

7 Admit that YOU offered on-site dining services during the time period from December 11,
8 2020 to January 12, 2021.

9 ANSWER NO. 8

10 Admit

11 REQUEST NO. 9

12 Admit that YOU advertised to the public that YOU were open for on-site dining during the
13 time period from December 11, 2020 to January 12, 2021.

14 ANSWER NO. 9

15 Admit

16 REQUEST NO. 10

17 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
18 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
19 establishments such as YOU to limit indoor dining capacity.

20 ANSWER NO. 10

21 Admit

22 REQUEST NO. 11

23 Admit that YOU did not limit indoor dining capacity during the time period from March
24 19, 2020 to June 15, 2021.

25 ANSWER NO. 11

26 Admit

27 REQUEST NO. 12

28

1 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
2 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
3 establishments such as YOU to comply with masking requirements in connection with indoor
4 dining services.

5 ANSWER NO. 12

6 Admit

7 REQUEST NO. 13

8 Admit that YOU allowed patrons to forego wearing masks indoors during the time period
9 from March 19, 2020 to June 15, 2021.

10 ANSWER NO. 13

11 Admit

12 REQUEST NO. 14

13 Admit that YOU allowed employees to forego wearing indoors during the time period
14 from March 19, 2020 to June 15, 2021.

15 ANSWER NO. 14

16 Admit

17 REQUEST NO. 15

18 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
19 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
20 establishments such as YOU to comply with social distancing requirements in connection with
21 indoor dining services.

22 ANSWER NO. 15

23 Admit

24 REQUEST NO. 16

25 Admit that you did not comply with social distancing requirements during the time period
26 from March 19, 2020 to June 15, 2021.

27 ANSWER NO. 16

28 Admit

1 REQUEST NO. 17

2 Admit that YOU were aware, during the time period from March 19, 2020 to January 12,
3 2021, that PUBLIC HEALTH ORDERS in place during that time prohibited food service
4 establishments such as you from hosting large events, including live music concerts.

5 ANSWER NO. 17

6 Admit

7 REQUEST NO. 18

8 Admit that YOU advertised to the public large events, including live music concerts,
9 hosted by YOU during the time period from March 19, 2020 to January 12, 2021.

10 ANSWER NO. 18

11 Deny

12 REQUEST NO. 19

13 Admit that YOU hosted large events, including live music concerts, during the time period
14 from March 19, 2020 to June 15, 2021.

15 ANSWER NO. 19

16 Deny

17 REQUEST NO. 20

18 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
19 2021, that PUBLIC HEALTH ORDERS in place during that time required food service
20 establishments such as you to comply with masking and social distancing requirements in
21 connection with outdoor live music.

22 ANSWER NO. 20

23 Admit

24 REQUEST NO. 21

25 Admit that YOU did not comply with masking and social distancing requirements in
26 connection with outdoor live music during the time period from March 19, 2020 to June 15, 2021.

27 ANSWER NO. 21

28 Admit

1 REQUEST NO. 22

2 Admit that YOU were aware, during the time period from March 19, 2020 to June 15,
3 2021, that PUBLIC HEALTH ORDERS in place at that time prohibited food service
4 establishments such as YOU from having live music indoors.

5 ANSWER NO. 22

6 Admit

7 REQUEST NO. 23

8 Admit that YOU advertised to the public that YOU offered live music indoors during the
9 time period from March 19, 2020, to January 12, 2021.

10 ANSWER NO. 23

11 Admit

12 REQUEST NO. 24

13 Admit that YOU had live music indoors during the time period from March 19, 2020 to
14 January 12, 2021.

15 ANSWER NO. 24

16 Admit

17 REQUEST NO. 25

18 Admit that you received complaints from citizens and local businesses about your non-
19 compliance with the public health orders during the time period from March 19, 2020 to June 15,
20 2021.

21 ANSWER NO. 25

22 Admit

23 REQUEST NO. 26

24 Admit that YOU were aware that DEFENDANTS received complaints from citizens
25 and local businesses about YOUR non-compliance with the PUBLIC HEALTH ORDERS
26 during the time period from March 19, 2020 to June 15, 2021.

27 ANSWER NO. 26

28 Admit

1 REQUEST NO. 27

2 Admit that YOUR damages in connection with this ACTION are nominal.

3 ANSWER NO. 27

4 Deny

5 REQUEST NO. 28

6 Admit that YOU were not damaged as a result of any Nevada County PUBLIC HEALTH
7 ORDER.

8 ANSWER NO. 29

9 Deny

10 REQUEST NO. 29

11 Admit that, during the time period from March 19, 2020 to July 21, 2020, YOU received
12 notifications and warnings from DEFENDANTS RELATING TO YOUR non-compliance with
13 the PUBLIC HEALTH ORDERS.

14 ANSWER NO. 29

15 Admit

16 REQUEST NO. 30

17 Admit that, during the time period from March 19, 2020 to July 21, 2020, DEFENDANTS
18 provided YOU with guidance RELATING TO compliance with the PUBLIC HEALTH ORDERS.

19 ANSWER NO. 31

20 Admit

21 REQUEST NO. 31

22 Admit that, during the time period from March 19, 2020 to July 21, 2020, YOU did not
23 comply with the PUBLIC HEALTH ORDERS.

24 ANSWER NO. 31

25 Admit

26 REQUEST NO. 32

27 Admit that on July 21, 2020, DEFENDANTS issued a notice of violation and closure order
28 to YOU RELATING TO YOUR non-compliance with the PUBLIC HEALTH ORDERS.

1 ANSWER NO. 32

2 Admit

3 REQUEST NO. 33

4 Admit that the notice of violation issued by DEFENDANTS to YOU on July 21, 2020
5 informed YOU that fines would be imposed and YOUR permit would be suspended if YOU failed
6 to comply with the PUBLIC HEALTH ORDERS.

7 ANSWER NO. 33

8 Admit

9 REQUEST NO. 34

10 Admit that after July 21, 2020, DEFENDANTS provided you with further guidance
11 relating to compliance with the public health orders.

12 ANSWER NO. 34

13 Admit

14 REQUEST NO. 35

15 Admit that, after July 21, 2020, DEFENDANTS offered to assist YOU with developing a
16 compliance and/or mitigation plan RELATING TO the PUBLIC HEALTH ORDERS.

17 ANSWER NO. 35

18 Admit

19 REQUEST NO. 36

20 Admit that, after July 21, 2020, DEFENDANTS provided YOU with suggested
21 compliance and/or mitigation plan(s) RELATING TO the PUBLIC HEALTH ORDERS.

22 ANSWER NO. 36

23 Admit

24 REQUEST NO. 37

25 Admit that, after receiving the notice of violation and closure order issued by
26 DEFENDANTS to YOU on July 21, 2020, YOU did not comply with the PUBLIC HEALTH
27 ORDERS.

28 ANSWER NO. 37

1 Admit

2 REQUEST NO. 38

3 Admit that, after YOU did not comply with the notice of violation and closure order issued
4 by DEFENDANTS to YOU on July 21, 2020, DEFENDANTS imposed a fine of \$2,018.10 on
5 YOU for violations of the PUBLIC HEALTH ORDERS.

6 ANSWER NO. 38

7 Admit

8 REQUEST NO. 39

9 Admit that, after YOU did not comply with the notice of violation and closure order issued
10 by DEFENDANTS to YOU on July 21, 2020, DEFENDANTS suspended YOUR permit for
11 violations of the PUBLIC HEALTH ORDERS.

12 ANSWER NO. 39

13 Admit

14 REQUEST NO. 40

15 Admit that YOU operated without a permit during the time period from July 21, 2020 to
16 August 4, 2020.

17 ANSWER NO. 40

18 Admit

19 REQUEST NO. 41

20 Admit that YOU were aware of Nevada County inspecting and/or citing other food
21 services establishments for compliance with the PUBLIC HEALTH ORDERS between March 19,
22 2020 and June 15, 2021.

23 ANSWER NO. 41

24 Admit

25 REQUEST NO. 42

26 Admit that, upon YOUR request, DEFENDANTS met with YOU on August 3, 2020 to
27 discuss YOUR fine and permit suspension.

28 ANSWER NO. 42

1 Admit

2 REQUEST NO. 43

3 Admit that, at the August 3, 2020 meeting, DEFENDANTS informed YOU that in order
4 for YOUR permit to be reinstated and/or the fine imposed on YOU to be reduced, YOU would
5 need to comply with PUBLIC HEALTH ORDERS.

6 ANSWER NO. 43

7 Deny, Defendants stated that the Plaintiffs needed to stop writing letters complaining about
8 COVID-19 Public Health Orders and behave themselves to obtain a negotiated reduction of fines
9 and to obtain reinstatement of Operating Permit.

10 REQUEST NO. 44

11 Admit that, at the August 3, 2020 meeting, DEFENDANTS informed YOU that
12 DEFENDANTS would stay enforcement of the fine imposed on YOU until September 3, 2020
13 under the understanding that YOU would comply with the PUBLIC HEALTH ORDERS.

14 ANSWER NO. 44

15 Deny, Defendants stated that the Plaintiffs needed to stop writing letters complaining about
16 COVID-19 Public Health Orders and behave themselves to obtain a negotiated reduction of fines
17 and to obtain reinstatement of Operating Permit.

18 REQUEST NO. 45

19 Admit that, following the August 3, 2020 meeting between you and defendants, defendants
20 reduced the fine on you to \$672.70.

21 ANSWER NO. 45

22 Admit

23 REQUEST NO. 46

24 Admit that, following the August 3, 2020 meeting between you and defendants, defendants
25 did not impose any more fines for your failure to comply with the public health orders.

26 ANSWER NO. 46

27 Admit

28 REQUEST NO. 47

1 Admit that, on August 4, 2020, DEFENDANTS reinstated YOUR permit.

2 ANSWER NO. 47

3 Deny

4 REQUEST NO. 48

5 Admit that, following DEFENDANTS' reinstatement of YOUR permit on August 4, 2020,
6 YOU continued not to comply with the PUBLIC HEALTH ORDERS.

7 ANSWER NO. 48

8 Deny

9 REQUEST NO. 49

10 Admit that YOU have not paid any portion of the fine imposed on YOU by
11 DEFENDANTS for YOUR non-compliance with the PUBLIC HEALTH ORDERS.

12 ANSWER NO. 49

13 Admit

14 REQUEST NO. 50

15 Admit that DEFENDANTS never took any enforcement action against YOU for YOUR
16 failure to comply with the PUBLIC HEALTH ORDERS.

17 ANSWER NO. 50

18 Deny, defendants imposed a closure Order, imposed fines, and revoked Responding
19 Party's Operating Permit.

20 REQUEST NO. 51

21 Admit that DEFENDANTS never terminated YOUR utilities for YOUR failure to
22 comply with the PUBLIC HEALTH ORDERS.

23 ANSWER NO. 51

24 Admit

25 REQUEST NO. 52

26 Admit that YOU continued to "ask[] patrons, family, and friends to write to
27 [DEFENDANTS] to express opposition to the shutdown of local restaurants," as referenced in
28 Paragraph 33 of the COMPLAINT, after receiving the July 21, 2020 notice of violation and

1 closure order.

2 ANSWER NO. 52

3 Admit

4 REQUEST NO. 53

5 Admit that YOU continued to “ask patrons, family, and friends to write to
6 [DEFENDANTS] to express opposition to the shutdown of local restaurants,” as referenced in
7 Paragraph 33 of the COMPLAINT, after YOUR permit was suspended.

8 ANSWER NO. 53

9 Admit

10 REQUEST NO. 54

11 Admit that YOU continued to “ask patrons, family, and friends to write to
12 [DEFENDANTS] to express opposition to the shutdown of local restaurants,” as referenced in
13 Paragraph 33 of the COMPLAINT, after DEFENDANTS imposed a fine on YOU for YOUR non-
14 compliance with the PUBLIC HEALTH ORDERS.

15 ANSWER NO. 54

16 Admit

17 REQUEST NO. 55

18 Admit that YOU continued to ask patrons, family, and friends to write to defendants to
19 express opposition to the shutdown of local restaurants,: as referenced in paragraph 33 of the
20 complaint after the August 3, 2020 meeting referenced in paragraph 35 of the complaint.

21 ANSWER NO. 55:

22 Admit

23 REQUEST NO. 56

24 Admit that YOU continued to criticize, complain about, protest, and or express opposition
25 to the shutdown of and or restriction on local restaurants, after receiving the July 21, 2020, notice
26 of violation and closure order.

27 ANSWER NO. 56

28 Admit

1 REQUEST NO. 57

2 Admit that YOU continued to criticize, complain about, protest, and/or express opposition.
3 to the shutdown of and/or restrictions on local restaurants, after YOUR permit was suspended.

4 ANSWER NO. 57

5 Admit

6 REQUEST NO. 58

7 Admit that YOU continued to criticize, complain about, protest, and/or express opposition
8 to the shutdown of and/or restrictions on local restaurants, after DEFENDANTS imposed a fine on
9 YOU for YOUR non-compliance with the PUBLIC HEALTH ORDERS.

10 ANSWER NO. 58

11 Admit

12 REQUEST NO. 59

13 Admit that YOU continued to criticize, complain about, protest, and/or express opposition
14 to the shutdown of and/or restrictions on local restaurants, after the August 3, 2020 meeting
15 referenced in Paragraph 35 of the COMPLAINT.

16 ANSWER NO. 59

17 Admit

18 REQUEST NO. 60

19 Admit that YOU continued to ask and/or encourage other PERSONS to criticize, complain
20 about, protest, and/or express opposition to the shutdown of and/or restrictions on local
21 restaurants, after receiving the July 21, 2020 notice of violation and closure order.

22 ANSWER NO. 60

23 Admit

24 REQUEST NO. 61

25 Admit that YOU continued to ask and/or encourage other PERSONS to criticize, complain
26 about, protest, and/or express opposition to the shutdown of and/or restrictions on local
27 restaurants, after YOUR permit was suspended.

28 ANSWER NO. 61

1 Admit

2 REQUEST NO. 62

3 Admit that YOU continued to ask and/or encourage other PERSONS to criticize, complain
4 about, protest, and/or express opposition to the shutdown of and/or restrictions on local
5 restaurants, after DEFENDANTS imposed a fine on YOU for YOUR non-compliance with the
6 PUBLIC HEALTH ORDERS.

7 ANSWER NO. 62

8 Admit

9 REQUEST NO. 63

10 Admit that YOU continued to ask and/or encourage other PERSONS to criticize, complain
11 about, protest, and/or express opposition to the shutdown of and/or restrictions on local
12 restaurants, after the August 3, 2020 meeting referenced in Paragraph 35 of the COMPLAINT.

13 ANSWER NO. 63

14 Admit

15 REQUEST NO. 64

16 Admit that YOU continued to organize, attend, and/or participate in meetings RELATED
17 TO the shutdown of and/or restrictions on local restaurants, after receiving the July 21, 2020
18 notice of violation and closure order.

19 ANSWER NO. 64

20 Admit

21 REQUEST NO. 65

22 Admit that YOU continued to organize, attend, and/or participate in meetings RELATED
23 TO the shutdown of and/or restrictions on local restaurants, after YOUR permit was suspended.

24 ANSWER NO. 65

25 Admit

26 REQUEST NO. 66

27 Admit that YOU continued to organize, attend, and/or participate in meetings RELATED
28 TO the shutdown of and/or restrictions on local restaurants, after DEFENDANTS imposed a fine

1 on YOU for YOUR non-compliance with the PUBLIC HEALTH ORDERS.

2 ANSWER NO. 66

3 Admit

4 REQUEST NO. 67

5 Admit that YOU continued to organize, attend, and/or participate in meetings RELATED
6 TO the shutdown of and/or restrictions on local restaurants, after the August 3, 2020 meeting
7 referenced in Paragraph 35 of the COMPLAINT.

8 ANSWER NO. 67

9 Admit

10 REQUEST NO. 68

11 Admit that DEFENDANTS are not currently engaging in retaliation against YOU for
12 exercising YOUR rights under the U.S. Constitution.

13 ANSWER NO. 68

14 Deny

15 Dated: September 31, 2023

Law Offices of Robert E. Williams

16

17



18

Robert E. Williams, Esq.

19

*Attorneys for plaintiffs Tuck's Restaurant and
Bar, Kenneth R. Paige, Chad Paige, Buckman
Enterprises, LLC, Robin Buckman, and The
Nevada County Restaurant Coalition*

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1 Steven C. Bailey (SBN 146382)
[Designated Counsel for Service]
2 Martha E. Romero (SBN 128144)
3 BAILEY & ROMERO
2535 Kettner Blvd., Suite 2A1
4 San Diego CA 92101
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5 steven@baileyandromero.com

6 Robert E. Williams (SBN 255179)
7 Law Offices of Robert E. Williams
2535 Kettner Blvd., Suite 2A1
8 San Diego CA 92101
(619) 323-1390
9 rew@rewilliamslaw.com

10

11 Attorneys for Plaintiffs Tuck’s Restaurant and Bar,
Kenneth R. Paige, Chad Page, Buckman Enterprises, LLC,
12 Robin Buckman, and The Nevada County Restaurant
Coalition

13

UNITED STATES DISTRICT COURT

14

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

15

16

TUCK’S RESTAURANT AND BAR, et al.,

Case No. 2:20-cv-02256-KJM-CKD

17

Plaintiffs,

PROOF OF SERVICE

18

v.

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NEVADA COUNTY, CALIFORNIA, et al.,

20

Defendants.

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22

I hereby certify that at the time of service, I was over 18 years of age. My business address
23 is 2535 Kettner Blvd., Suite 2A1, San Diego CA 92103.

24

On August 31, 2023, I served true copies of the following documents:

25

PLAINTIFF BUCKMAN ENTERPRISE, LLC’S SUPPLEMENTAL RESPONSE TO REQUEST
26 FOR ADMISSION, SET ONE

27

PLAINTIFF TUCK’S RESTAURANT AND BAR’S SUPPLEMENTAL RESPONSE TO
28 REQUEST FOR ADMISSIONS, SET ONE

28

1 PLAINTIFF CHAD PAIGE'S SUPPLEMENTAL RESPONSE TO REQUESTS FOR
2 ADMISSIONS, SET ONE

3 PLAINTIFF TUCK'S RESTAURANT AND BAR'S SUPPLEMENTAL RESPONSE TO
4 INTERROGATORIES, SET ONE


5 on the interested parties in this action as follows:

6 Catherine L. Carlisle
7 ccarlisle@meyersnave.com
8 MEYERS NAVE
9 555 Capitol Mall, Suite 1200
10 Sacramento CA 95814
11 Attorneys for Nevada County and Katherine Elliot

12 by causing a copy of each of the foregoing documents to be emailed from
13 rew@rewilliamslaw.com to each of the above listed individuals at their respective email addresses
14 as set forth above on August 30, 2023. I did not receive within a reasonable time after having
15 transmitted such email any indication that the transmission had not been successful.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct and that I am a member of the bar of the court in which this action is pending.

18 Executed on August 31, 2023 in San Diego CA

19 

20 Robert E. Williams

EXHIBIT 14

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

---oOo---

TUCK'S RESTAURANT AND BAR a)
California corporation KENNETH R.)
PAIGE CHAD PAIGE BUCKMAN)
ENTERPRISES, LLC a California)
limited liability company ROBIN)
BUCKMAN and THE NEVADA COUNTY)
RESTAURANT COALITION, an)
unincorporated membership)
association,)

Plaintiffs,)

vs.)

No. 2:20-cv-02256-KJM-CKD

NEVADA COUNTY, CALIFORNIA;)
KATHERINE ELLIOT; and DOES 1)
through 10, inclusive,)

Defendants.)

_____)

DEPOSITION OF CHAD PAIGE

SACRAMENTO, CALIFORNIA

SEPTEMBER 5, 2023

REPORTER: OLIVIA M. RENDON, CSR 14306

FILE NO.: 89417

September 05, 2023

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

---oOo---

TUCK'S RESTAURANT AND BAR a)
California corporation KENNETH R.)
PAIGE CHAD PAIGE BUCKMAN)
ENTERPRISES, LLC a California)
limited liability company ROBIN)
BUCKMAN and THE NEVADA COUNTY)
RESTAURANT COALITION, an)
unincorporated membership)
association,)

Plaintiffs,)

vs.)

NEVADA COUNTY, CALIFORNIA;)
KATHERINE ELLIOT; and DOES 1)
through 10, inclusive,)

Defendants.)
_____)

No. 2:20-cv-02256-KJM-CKD

DEPOSITION OF CHAD PAIGE

at 555 Capitol Mall, Suite 1200 Sacramento, California

beginning at 9:07 a.m., Tuesday, September 5th, 2023,

Before Olivia M. Rendon, Certified

Shorthand Reporter No. 14306.

September 05, 2023

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A P P E A R A N C E S

FOR DEFENDANTS:

MEYERS NAVE
BY: CATHERINE L. CARLISLE

555 Capitol Mall,
Sacramento, California 94814

916-556-1531
CCarlisle@meyersnave.com

FOR BAILEY & ROMERO:

BAILEY & ROMERO
BY: STEVEN C. BAILEY

2535 Kettner Boulevard, Suite 2A1
San Diego, CA 92101

(619)323-1389
steven@baileyandromerolaw.net

Also Present:

Steven Cathy, videographer

September 05, 2023

1 **communicated.**

2 Q. Okay. Did you have any other roles with the
3 restaurant that we haven't covered?

4 **A. I think that's pretty much -- pretty much it.**

5 Q. Okay. Is there anybody else involved
6 besides -- in, sort of, like, the overall operations
7 besides you, your dad, and then your sister with the
8 social media?

9 **A. Pretty much me and my dad.**

10 Q. So I want to turn to the COVID-19 period and
11 specifically the public health orders.

12 So you're aware in -- beginning in March 2020
13 that there were various public health orders and rules
14 and guidance that were put in place by the government in
15 response to COVID-19; right?

16 **A. Yes.**

17 Q. And I'm going to refer to these generally as
18 the public health orders. Okay?

19 And then --

20 MR. BAILEY: Just so that the record is clear,
21 we don't necessarily agree that we were orders. So you
22 can refer to them as "orders," but I want the record to
23 reflect that we don't think that they were orders.

24 MS. CARLISLE: Okay.

25 **THE WITNESS: Guidelines.**

September 05, 2023

1 I don't want the record to reflect that there were
2 orders and they were all given by Sacramento.

3 MS. CARLISLE: Okay.

4 BY MS. CARLISLE:

5 Q. All right. You're aware that these public
6 health orders -- and I'm still going to refer to them a
7 public health orders -- require that food service
8 establishments needed to comply with certain
9 requirements that were aimed at stopping the spread of
10 COVID; right?

11 A. Yes.

12 Q. Okay. And these requirements applied to
13 Tuck's; right?

14 A. Yes.

15 Q. Okay. Now, at certain times between
16 March 2020 and June 2001, when the last restrictions
17 were lifted, restaurants were required to cease
18 providing certain types of dining services; right?

19 A. Yes.

20 Q. And this included on-site dining services as a
21 whole during some periods; correct?

22 A. Correct.

23 Q. And also indoor dining services during certain
24 periods; right?

25 A. Correct.

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1 Q. And restaurants were also required, at certain
2 times, during the same period to limit indoor dining
3 capacity; right?

4 A. Correct.

5 Q. And then also to comply with masking
6 requirements; correct?

7 A. Correct.

8 Q. And social distancing requirements; right?

9 A. Correct as well.

10 Q. Okay. And -- and they were prohibited at
11 various times during this period from hosting large
12 events; right?

13 A. Correct.

14 Q. And that included live music concerts?

15 A. I would ask for a little clarity on concerts
16 because we host live music seven days a week, just every
17 day. "Concert" seem to me to kind of imply, like, very
18 massive -- gatherings around music. Ours is like a
19 little teeny stage with musicians behind it. It's
20 just -- it's not -- it's just live music as a part of
21 the restaurant.

22 Q. Okay. There were certain periods during this
23 time period where restaurants were prohibited from
24 having live music indoors; right?

25 A. Correct.

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1 Q. So let's take a look a little bit further
2 down.

3 Request number 4, [As read] Admit that you
4 were aware, during the time period from July 13th, 2020
5 to August 28, 2020, that public health orders in place
6 during that time required food services such --
7 establishments, such as you, to your limit in person
8 dining services to outdoor seating.

9 Do you see that?

10 **A. Yes.**

11 Q. And the answer was "admit"; correct?

12 **A. Yes.**

13 Q. And then, request number 5 says, [As read]
14 Admit that you offered indoor dining services during the
15 time period from --

16 (Reporter Instruction.)

17 BY MS. CARLISLE:

18 Q. -- during the time period from July 13th, 2020
19 to August 28th, 2020.

20 Correct?

21 **A. Yes.**

22 Q. And the answer is "admit"; correct?

23 **A. And that's -- that answer is correct.**

24 Q. That answer is correct. All right.

25 Let's go to number 6 then, [As read] Admit

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1 **THE WITNESS: -- why we were doing what we**
2 **were doing.**

3 BY MS. CARLISLE:

4 Q. So -- and you did tell people that you were --

5 **A. Yes.**

6 Q. -- open for indoor dining during this period;
7 right?

8 **A. Yeah.**

9 Q. Okay. So request number 7 says, [As read]
10 Admit that you were aware, during the time period from
11 December 11th, 2020 to January 12th, 2021, that public
12 health orders in place during that time required food
13 service establishments, such as you, to cease providing
14 on-site dining services.

15 Correct?

16 **A. Correct.**

17 Q. And the answer is "admit"; correct?

18 **A. That's correct.**

19 Q. Okay. And request number 8 says, [As read]
20 Admit that you offered on-site dining services during
21 the time period from December 11th, 2020 to
22 January 12th, 2021.

23 Correct?

24 **A. Correct.**

25 Q. And the answer is "admit"; correct?

September 05, 2023

1 **A. And that's -- that answer is correct.**

2 Q. That is correct. All right.

3 And then, let's go to request number 10,
4 [As read] Admit that you were aware, during the time
5 period from March 19th, 2020 to June 15th, 2021, that
6 public health orders in place during time required food
7 service establishments, such as you, to limit indoor
8 dining capacity.

9 Do you see that?

10 **A. Yes.**

11 Q. And then, the answer to number 10 is "admit";
12 correct?

13 **A. That's correct.**

14 Q. Okay. And then, request number 11 says,
15 [As read] Admit that you did not limit indoor dining
16 capacity during the time March 19, 2020 to
17 June 15, 2021.

18 Correct?

19 **A. Correct. There -- there were instances within
20 that large timeframe that we did not.**

21 Q. Well, so the answer to number 11 in these
22 responses is "admit"; correct?

23 **A. Correct.**

24 And that's -- that's when there's a lot that
25 are similar like this. And let me know if I'm --

September 05, 2023

1 July 13th, 2020?

2 A. Yeah. That's -- that's July 13th, that's
3 the...

4 Q. That was limiting in-person dining services to
5 (unintelligible), right?

6 A. Yeah. Shut down the indoor.

7 Q. Okay. And -- and so shortly after that order
8 came out on -- on July 13th, 2020, you and your dad made
9 the decision to stay open for indoor dining?

10 A. We did.

11 Q. Okay. And -- so then, how --

12 So during the period from July 13th, 2021, to
13 the end of July, were you open that entire time for
14 indoor dining?

15 A. We were -- we were open. It might have been
16 right towards the end. Right before -- August 3rd was
17 the meeting with -- with county counsel and Amy Irani,
18 so we were closed for -- we decided to close for -- it
19 was three to four days before the meeting. So there
20 might have been one day in July that we were closed, but
21 for the rest of July, we were open.

22 Q. Okay. And were you --

23 When you were having indoor dining during that
24 time period from July 13th, 2020, to the end of July,
25 were you limiting indoor dining capacity?

September 05, 2023

1 A. I think, at that time, we still had certain
2 tables that were blocked off, but we were we weren't
3 following -- we weren't following the guidelines as
4 closely as we were previous to deciding to stay open.

5 Q. Okay. So you weren't enforcing the
6 requirements for limitation on indoor dining --

7 A. Yes.

8 Q. -- during that time period?

9 Okay. And were you requiring employees to
10 wear masks during that time period?

11 A. I believe, at that time, we were leaving it up
12 to the employees and the customers to choose if they
13 wanted to or not.

14 Q. So to the end of July 2020, you were not
15 requiring employees to wear masks; right?

16 A. I'd -- no.

17 Q. And then you were also not requiring customers
18 to wear masks; right?

19 A. No.

20 Q. Okay. And then -- so the -- so the period
21 from -- so the period from the beginning of August to
22 the August 3rd meeting, you are saying that you closed
23 for indoor dining for a couple days; is that right?

24 A. We decided right before the -- the meeting to
25 close. I think it was three or four days.

September 05, 2023

1 were supposed to be doing.

2 Q. And were you --

3 A. And there was -- there was -- yeah. Yeah.

4 Q. Were you enforcing limitations on indoor
5 dining during that time period of October 2020?

6 A. I believe so. As -- getting closer to
7 November, we were probably getting more lax, but I
8 believe -- yeah. For this first August, September,
9 probably early October, we were in -- pretty much in
10 line with what the health guidance was at the time.

11 Q. Okay. And were you requiring employees to
12 wear masks?

13 A. It -- it was probably getting lax by that
14 time.

15 Q. When was it starting to get lax?

16 A. Getting close to November, I believe. Like --
17 it's -- it's a little hard to recall.

18 Q. Was it still in October?

19 A. I think -- yeah. I think -- probably in --
20 yeah. I'm not sure. Just as -- I think as, you know,
21 data was getting out that, you know, kind of supported
22 competing theories regarding masks, it was kind of hard
23 to keep, you know, the staff from complying with that.

24 Q. Okay. So that was sometime in October 2020?

25 A. I -- I believe so. It's -- some of that stuff

September 05, 2023

1 gets a little fuzzy.

2 Q. So -- so between October -- sometime in
3 October 2020, through the -- through the end of the
4 year -- well, that's a good --

5 (Reporter sneezes.)

6 THE REPORTER: Sorry, I didn't catch that.

7 MS. CARLISLE: Oh, sorry.

8 THE REPORTER: I'm trying to sneeze.

9 BY MS. CARLISLE:

10 Q. Okay.

11 From the point in October 2020, when -- when
12 the restaurant started becoming a little more lax with
13 following the COVID requirements, through the beginning
14 of December 2020, were you limiting indoor dining
15 capacity at all?

16 A. I believe that also -- getting close -- yeah,
17 definitely in December. We just completely did away
18 with the limiting capacity. And we had -- I think in
19 October -- in -- 23rd or somewhere around there, we got
20 our outside -- our tent put outside. So -- so we had a
21 very large section of outdoor -- outside dining as well.

22 Q. And were you limiting -- were you enforcing
23 social distancing requirements in that outdoor area?

24 A. In the tent, we had the tables spaced 6 --
25 6 feet apart, like from person to person in our initial

September 05, 2023

1 **setup, so...**

2 Q. Were -- were you enforcing that limitation or
3 were more coming in?

4 A. **We just had the tables set up -- yeah. So**
5 **they were, like, 6 feet apart. I don't think we were**
6 **limiting getting close -- yeah. After -- in**
7 **November and December, we were -- we weren't limiting**
8 **capacity.**

9 Q. Were you requiring employees to wear masks?

10 A. **At that point, it was by choice.**

11 Q. And were you requiring patrons to wear masks?

12 A. **Again, by choice.**

13 MS. CARLISLE: Okay. Let's take a break.

14 THE VIDEOGRAPHER: We are going -- sorry --
15 off the record at 10:19 a.m.

16 (Off the record.)

17 THE VIDEOGRAPHER: We are back on the record
18 at 10:28 a.m.

19 BY MS. CARLISLE:

20 Q. Okay, Mr. Paige. So I think when we stopped,
21 we were talking about the month of November 2020.

22 A. **Correct.**

23 Q. And -- and you had said that although tables
24 were spaced a certain distance apart, the restaurant was
25 enforcing the limitations on indoor dining capacity; is

September 05, 2023

1 that right?

2 A. Yeah. I don't recall what the limitations
3 were at the time, but -- yeah. By that time, I don't
4 think we were.

5 Q. Okay. And same with the masking requirements;
6 right?

7 A. Correct.

8 Q. Okay. Those weren't being enforced?

9 A. No.

10 Q. Okay. Now, in December 2020, what happened
11 then?

12 A. Is it December 11th? Is that the -- the
13 new -- the new lockdown order? I believe it was
14 December 11th through January 12th. It's in there
15 somewhere.

16 Q. Yeah. December 11th through January 12th,
17 you're aware there was a --

18 A. Yes.

19 Q. -- an order that required -- that required
20 on-door dining services -- or I'm sorry -- on-site
21 dining services to cease; correct?

22 A. Correct.

23 Q. Okay.

24 A. Yeah. At that time, we decided our restaurant
25 and quite a few other restaurants decided to stay open.

September 05, 2023

1 Q. Okay. So you stayed open for indoor dining
2 and also outdoor dining?

3 A. Correct.

4 Q. Okay. And that was during that entire time
5 period; right?

6 A. Yes.

7 Q. And did you limit indoor dining capacity at
8 all?

9 A. No.

10 Q. Okay. And did you require employees to wear
11 masks?

12 A. No.

13 Q. Did you require patrons to wear masks?

14 A. No.

15 Q. And -- and after January 11th, can you sort of
16 take me through the progression in terms of -- I assume
17 you were open for indoor dining from January 11th
18 through -- throughout the rest of COVID; is that
19 correct?

20 A. That's correct.

21 Q. And did you limit indoor dining capacity at
22 all?

23 A. No.

24 Q. Did you require employees to wear masks?

25 A. No.

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1 Q. Did you require patrons to wear masks?

2 A. No.

3 Q. Okay. And then you also had several -- you
4 hosted several events in the -- in the fall and winter
5 of 2020 through 2021; is that correct?

6 A. Correct.

7 Q. Can you tell me what those events were?

8 A. The first -- first event we had was a --
9 whatever month prom season is, we had proms for the --
10 for the high schools that their schools were not doing
11 proms for them. So we did proms for, I think, three
12 high schools.

13 Q. Was that in May 2021?

14 A. That sounds -- that sounds right.

15 Q. And you did it for -- for three different high
16 schools?

17 A. I -- I believe so.

18 Q. Was it one event or three events?

19 A. I believe three.

20 Q. Okay. And those were all in May of 2021?

21 A. I'd -- I'd have to go -- I'd have to go back
22 and check for sure, but whenever -- that's when schools
23 have -- normally have proms. I don't think it was --
24 yeah, around -- around that time.

25 Q. Now, let's -- let's take those separately.

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1 So there were three different events. So can
2 you tell me what -- which high schools were involved in
3 each event?

4 **A. Nevada Union High School, Colfax High School,**
5 **and I think we did a very small one in the tent for -- I**
6 **can't remember the name. I can't remember -- I can't**
7 **remember the name of the third.**

8 Q. Okay. So --

9 **A. I wouldn't be hard to get that information.**

10 Q. Okay. With regard for -- to Nevada Union High
11 School, was that the first event?

12 **A. I think Nevada Union was before Colfax.**

13 Q. Okay. And was that a large event?

14 **A. Yes.**

15 Q. How many people attended?

16 **A. I -- not really sure the number, but...**

17 Q. Do you believe it would be 100 people?
18 Greater or less --

19 **A. Like --**

20 Q. -- than 100?

21 **A. I'd say, like, 60 to a hundred, maybe**
22 **somewhere in there.**

23 Q. Okay. And were the people indoors as well as
24 outdoors?

25 **A. Part of it was set up, like, outdoors. Photo**

September 05, 2023

1 booth, all the kind of stuff kids normally have at their
2 proms, and we had a DJ inside.

3 Q. Okay. And were you enforcing any social
4 distancing --

5 A. No.

6 Q. -- during that event?

7 Any -- were you enforcing any mask-wearing?

8 A. No.

9 Q. For either employees or patrons?

10 A. Correct.

11 Q. Okay. So you were not enforcing masking
12 requirements for either employees or patrons?

13 A. Correct.

14 Q. And were you limiting the amount of people
15 that could be indoors at the same time?

16 A. No.

17 Q. Okay. What about for the event with Colfax
18 High School? How many people attended that?

19 A. Probably around the same.

20 Q. Around 60 to a hundred?

21 A. They might have had a few -- fewer kids,
22 but -- yeah. I think maybe that one was 40 to 80. I'm
23 not sure.

24 Q. And during that event, were you -- is -- was
25 that held indoors and outdoors as well?

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1 **A. Same. Same -- yeah.**

2 Q. And were you limiting the amount of people
3 that could be indoors?

4 **A. No.**

5 Q. Were you enforcing any social distancing
6 requirements?

7 **A. No.**

8 Q. Were you requiring employees to wear masks?

9 **A. No.**

10 Q. Were you -- requiring patrons to wear masks?

11 **A. No.**

12 Q. And -- and then the third event was this other
13 high school. How many people attended that?

14 **A. It was, like, 15 or 20 kids.**

15 Q. Okay. So that was a smaller high school.

16 **A. Real small -- yeah. Small, private -- I think
17 it was a private high school or maybe charter. I can't
18 remember.**

19 Q. Okay. And were you enforcing any sort of
20 social distancing requirements during that event?

21 **A. No.**

22 Q. Were you requiring employees to wear masks?

23 **A. No.**

24 Q. Were you requiring patrons to wear masks?

25 **A. Huh-uh. No.**

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1 who were not going out to eat as much as they were
2 before COVID; right?

3 **A. Probably on the whole, in the county, I feel**
4 **like during that winter we were pretty busy because a**
5 **lot of people were supporting what we were doing, so --**
6 **but that was just our restaurant and other restaurants**
7 **that were doing the same. Sales-wise, we were --**
8 **there's a lot of people coming out.**

9 Q. Okay. There were people, though, who stopped
10 going to Tuck's because of its stance on COVID; is that
11 right?

12 **A. Correct.**

13 Q. So -- so customers who had -- who had been
14 prior customers before COVID were no longer customers
15 because they were opposed to Tuck's stance; correct?

16 **A. That's -- that's correct.**

17 Q. Now, beginning in March 2020, the county
18 provided Tuck's with guidance about the COVID public
19 health orders and regulations and how to comply with
20 them; is that right?

21 **A. Correct.**

22 Q. Okay. And that continued throughout the time
23 period when the orders were in effect; right?

24 **A. Yeah.**

25 Q. So as there were different orders that came

September 05, 2023

1 out or different guidelines, the county would provide
2 you with information about those; right?

3 **A. Always.**

4 Q. Okay. And that included information packets;
5 correct?

6 **A. That's correct.**

7 Q. And -- and descriptions about how to comply?

8 **A. Correct.**

9 Q. And then they also provided compliance plans;
10 is that correct?

11 **A. Yes.**

12 Q. Okay. What else did they provide?

13 **A. They had the packets, and then their website**
14 **always was the most up-to-date source because, as you**
15 **know, things were constantly, constantly changing. So**
16 **that was the most accurate place to get the most**
17 **up-to-date changes and -- yeah -- and directives or**
18 **whatever you want to call them.**

19 Q. Okay. And you knew -- you knew that that was
20 where you could get the information; correct?

21 **A. Yes.**

22 Q. Okay. And you -- and you were aware that
23 there were many complaints from citizens and other
24 businesses about Tuck's noncompliance with the public
25 health orders --

September 05, 2023

1 **A. Yes.**

2 Q. Is that right?

3 Okay. You received complaints throughout the
4 spring of 2020? Beginning in May 8th, when things
5 opened up.

6 **A. I don't think we got any complaints until
7 later in June.**

8 Q. Okay. So in June, you started to --

9

10 **A. In the beginning, we were just doing takeout
11 and doing what everyone else was, so I don't think there
12 was any cause for complaints.**

13 Q. So in June 2020, you started receiving some
14 complaints from -- from citizens and other businesses;
15 is that right?

16 **A. I think there's some late -- late June.**

17 Q. And that continued in July 2020?

18 **A. Until we -- yeah. Until we closed down and
19 had our meeting on that August 3rd.**

20 Q. And then you also received complaints after
21 that meeting; right? In -- later in August?

22 **A. When we got our health permit back, and we
23 were doing outside dining, I don't believe we got any
24 complaints. I don't -- I remember hearing from the
25 health department. I think the next complaint that we**

September 05, 2023

1 heard from them was in -- might have been in -- in
2 November -- 'til late October or November.

3 Q. Okay. So in the -- in the fall, then?

4 A. Because we were back -- yeah. We were --
5 after that August 3rd meeting, we were back in
6 compliance. We were -- yeah.

7 Q. Okay. So --

8 A. We decided at that time it was prudent to go
9 back to following the health orders and the rules.

10 Q. But starting in -- I think you said it was in
11 October at some point when you made the decision to not
12 comply as much with the restrictions. At that point,
13 did you start receiving more complaints?

14 A. We probably were getting complaints about
15 people not wearing masks and stuff like that -- yeah.

16 Q. Okay. And that continued throughout the
17 winter -- fall and winter 2020, through 2020- --

18 (Simultaneous crosstalk.)

19 **THE WITNESS: Yes.**

20 BY MS. CARLISLE:

21 Q. Did you receive complaints in the spring
22 of 2021?

23 A. I -- yeah. I would -- I would imagine so.

24 Q. Okay. And then -- and then, just to go back
25 from the period in June 2020, when you started receiving

September 05, 2023

1 complaints. Did the county also inform you about
2 complaints they had received (unintelligible) --
3 (Simultaneous crosstalk.)

4 **THE WITNESS: I think the first -- yeah. The**
5 **first ones we -- we heard of, I believe that they sent**
6 **us that people were complaining in -- might have been**
7 **late -- late June.**

8 BY MS. CARLISLE:

9 Q. Okay. And then --

10 **A. I'd have to go back and look.**

11 Q. And you also received complaints from the
12 county that the county informed you about in July 2020;
13 right?

14 **A. In July, yes. Yes.**

15 Q. Okay. And what was your response to these
16 complaints?

17 **A. Like, all -- you mean, all the complaints from**
18 **the county, also complaints from people, complaints --**

19 Q. Let's go back to the initial time period from
20 May 8th -- excuse me -- May 8th, 2020 through -- through
21 August 3rd, 2020.

22 **A. Uh-huh.**

23 Q. You received some complaints from citizens;
24 right?

25 **A. I -- probably. I don't recall. I just**

September 05, 2023

1 remember the -- that we got a complaint from the health
2 department saying people were complaining.

3 Q. Okay. So you got --

4 A. I don't -- I do not recall -- yeah -- anything
5 other than that.

6 Q. Okay. So you received some complaints from
7 the health department in June or July 2020; is that
8 right?

9 A. Yes.

10 Q. And how did you respond to those complaints?

11 A. I didn't ever -- my dad did a lot -- most of
12 the responses to the -- if it came from the health
13 department. I know we talked about it. I -- I -- I
14 can't recall what we wrote or said back -- back.

15 Q. Okay.

16 A. I'm not sure.

17 Q. Okay. And then, when you received additional
18 complaints in the later part of the fall 2020, from
19 either citizens directly or through the county informing
20 you about citizen complaints, how did you respond to
21 those?

22 A. I know my dad responded to many e-mails and
23 letters. I never personally responded to any
24 complaints, but I think -- and I'm sure there was -- or
25 we heard about it, but me and my dad are not social

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1 media people, so we -- I don't think we responded to
2 anything on social media. It was mostly through e-mail,
3 most likely, or in person. That happened as well.

4 Q. So some people who were at the restaurant
5 complained?

6 A. No. Like, you know, we would be out in the
7 streets and one of your regulars that is used to come
8 and: I don't like what you're doing.

9 And then we'd have conversations and talk,
10 and --

11 Q. I see.

12 A. Yeah.

13 Q. I see. Okay.

14 Did that happen --

15 A. It's a small town.

16 Q. Did that happen frequently?

17 A. Every -- yeah -- every once in a while. Yeah.

18 Q. Okay. Like how frequently do you think?

19 A. That's hard to -- at that time, we were, you
20 know, we were getting as much or more support than we
21 were people that were angry with what we were doing,
22 but, you know, we'd -- we'd get both.

23 Q. Okay. Now, the county notified you in
24 June and July 2020 that -- that Tuck's was in violation
25 of various requirements of the public health orders;

September 05, 2023

1 right?

2 **A. They -- they did.**

3 Q. Okay. And they -- the county provided you
4 with -- with guidance about how to comply --

5 **A. Yeah.**

6 Q. -- with the public health orders; right?

7 **A. They notified us. We didn't agree that we**
8 **were in violation, but they notified us that we were.**

9 Q. Okay. And then, they provided you with
10 information about how to come into compliance; right?

11 **A. Yes.**

12 Q. Okay. And -- and they offered to work with
13 you to come into compliance; is that right?

14 **A. Yes.**

15 Q. Okay. Let's take a look at the notice of
16 violation that you received.

17 MS. CARLISLE: I am going to mark two
18 exhibits. This is the first one.

19 (Reporter clarification.)

20 (EXHIBIT 3 WAS MARKED FOR IDENTIFICATION.)

21 (EXHIBIT 4 WAS MARKED FOR IDENTIFICATION.)

22 BY MS. CARLISLE:

23 Q. Okay. So let's take a look at what's been
24 marked as Exhibit 3.

25 Yeah. So this is the notice of violation that

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1 Tuck's received on July 21st, 2020; is that right?

2 A. Correct.

3 Q. And did you see this letter at the time that
4 Tuck's received it?

5 A. Yes.

6 Q. Okay. So this is addressed to Friar Tuck's
7 and signed by Amy Irani; is that correct?

8 A. On the -- for Exhibit 4?

9 Q. If you turn Exhibit 3 over.

10 A. Oh, I got you. Okay.

11 Q. It's signed by Amy Irani; right?

12 A. Yes.

13 Q. Okay. And if you look at the --

14 Well, first, how -- how did you receive this
15 document?

16 A. I believe she came to the door, and I don't --
17 I don't remember if she handed this to me. I remember
18 she came to the door, and I was talking with her, and
19 she posted this sign on the door. I can't recall
20 exactly when we got this one, if they sent it to us
21 after or if that was during the time -- 7/21. No, so
22 it -- she must have had this with her because it says
23 7/21.

24 Q. Okay. So Amy Irani brought this notice of
25 violation to the restaurant on July 21st, 2020?

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1 **A. Yeah. That -- that looks like that's what**
2 **happened.**

3 Q. And then, what -- the document that's marked
4 as Exhibit 4, which is the closure order --

5 **A. Uh-huh.**

6 Q. -- was -- was given to you also at that time?

7 **A. She -- she taped it on the -- on the front**
8 **door.**

9 Q. Okay. And so you read the letter and also the
10 closure order on July 21st, 2020; right?

11 **A. Yes.**

12 Q. Okay. And on the bottom of the -- the notice
13 of violation, Exhibit 3, it says that -- in the last
14 paragraph [As read] Failure to comply with this notice
15 of violation will result in the imposition of fines.

16 Do you see that?

17 **A. Uh-huh.**

18 Q. And did you read that at the time?

19 **A. Yes.**

20 Q. Okay. What did -- what did you talk about
21 with Amy Irani when she came to the restaurant on
22 July 21st, 2020?

23 **A. When she came to the door, I just said, you**
24 **know, I like, you know, "This is unfortunate." I said,**
25 **"I think you're on the wrong side of this," like, "I**

September 05, 2023

1 know you're doing your job, but..."

2 Yeah. It was just -- basically, I just said,
3 you know, like, "We'd like to cooperate -- you -- you
4 know, best we can. We're advocating for policy change,
5 and we hope that, at some point, you'll realize the
6 steps that are being taken will do more harm than good,
7 and we hope you can be an advocate and -- for a better
8 way forward," basically, is what I communicated.

9 Q. Had you spoken to Ms. Irani before that time?

10 A. Yes, yes. She came -- yeah. We talked to
11 her. It was -- she came in, she called my dad -- get
12 the date. Make sure I get the dates right. I think it
13 was July 15th. She called my dad and said, you know,
14 she knew we were staying open. We said we were staying
15 open, and she called and said, "Hey, I'd like to come in
16 and talk with you and chat," and then she came in.

17 Q. And -- so she called on around July 15th; is
18 that right?

19 A. Yes.

20 Q. And then, did she come in shortly after?

21 A. I think she -- she might have called on the
22 14th and just said: "Hey, can I just meet and talk with
23 you guys tomorrow?"

24 And we were like, "Yeah. We -- we -- we would
25 love to discuss things," and, you know, then she showed

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1 up. At the time we were waiting for her to show up, she
2 showed up with two ABC agents, code enforcement, another
3 health department person. We thought we were having a
4 personal conversation. It was a pretty massive show of
5 force, and I talked with all of them.

6 Q. And what did you talk about?

7 A. They were -- they kept saying: We're just
8 here to educate.

9 And just, you know, and we were telling them
10 why we were doing what we were doing. And -- yeah.

11 Yeah. I remember I took pictures of all the
12 badges and, you know, we just discussed and -- what we
13 were doing and why we were doing it, and they said:
14 Well, this is why we're doing what we're doing.

15 And it -- kind of left it at that.

16 Q. So you both explained your positions --

17 A. Yes.

18 Q. Is that what you're saying?

19 A. Yes.

20 Q. Okay. So the people from the county explained
21 the requirements of the public health orders; right?

22 A. Uh-huh.

23 Q. And they explained why -- how Tuck's was not
24 in compliance with those orders; right?

25 A. Correct.

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1 Q. And -- and did they also explain how Tuck's
2 could come into compliance?

3 A. I don't -- yeah. At that meeting, probably.
4 I don't -- I don't recall everything that was said
5 during --

6 Q. Okay.

7 A. -- during that.

8 Q. And did they inform you that Tuck's could be
9 closed if it did not comply?

10 A. Yes.

11 Q. Okay. And did they inform you that Tuck's
12 could be fined if it did not comply?

13 A. I don't know if it was said in that initial
14 meeting, but -- yeah.

15 Q. And -- and then, during that meeting, you
16 explain why you were staying open or not complying;
17 right?

18 A. Right.

19 Q. Was there anything else that was discussed at
20 that meeting?

21 A. I don't -- yeah. I don't -- I don't think so.
22 I think it was just both sides stating their -- why
23 they're doing what they're doing.

24 Q. Did you have any communication with anyone at
25 the county between July 15th, 2020 and then July 21st,

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1 when you received this notice of violation?

2 A. On my part, no. I'm not sure if, you know,
3 there were e-mail -- there was any other communication
4 that my dad was involved in. I -- I wasn't during that
5 time.

6 Q. Okay. Was your dad there on the -- on June --
7 July 15th when Amy and the other people came to the
8 restaurant?

9 A. On the -- yes. (Unintelligible.)

10 (Simultaneous crosstalk.)

11 BY MS. CARLISLE:

12 Q. So your dad talked to Ms. Irani --

13 A. Uh-huh.

14 Q. -- and the others who came at that time as
15 well?

16 A. Yeah.

17 Q. Was there anyone else from Tuck's who was at
18 that meeting on July 15th, 2020?

19 A. I don't think so. We had two other -- two
20 other ladies that were there that were, kind of,
21 advocates for a bunch of the other restaurants that were
22 also -- decided to stay open at that time that -- and
23 I -- I'd have to go back and get their names. I
24 can't -- I can't remember their names.

25 Q. Were they --

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1 Did they just happen to be at the restaurant
2 at that time?

3 A. They were in the area because word was out
4 that, you know, they were going come and start putting
5 closed signs on restaurants, so they wanted -- I think
6 both of them had some law background or something. They
7 were just trying to assist some of the restaurants and
8 make sure that they're, you know -- you know because
9 it's kind of a scary situation for a lot of people.

10 Q. Did you ask them to come -- to be there on
11 July 15th to meet with the -- the county
12 representatives?

13 A. That -- that I don't recall. I just remember
14 they were around a lot. There's a lot of people around
15 at that time that were trying to assist and help out.
16 But I don't know if -- I can't remember if we requested
17 their presence or not.

18 Q. And then, on July 21st, 2020, when Ms. Irani
19 came and provided you with the notice of violation and
20 the closure order, was there anyone else from the county
21 who was there at that time?

22 A. Just -- just her.

23 Q. Okay. And then, was there anyone else from
24 Tuck's who spoke to her?

25 A. No. There were people -- there were people on

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1 the street. Again, there was people in town, so I think
2 there was two -- couple people that -- I talked to her,
3 she posted it, and then she walked down the street, but
4 there was other people: Why are you doing this and
5 (unintelligible) --

6 You know, but at that time -- yeah. We
7 talked, she posted it, and then -- yeah, walked down the
8 street, and I just stayed at the -- stayed at the
9 restaurant.

10 Q. And the two other women who were there on
11 July 15th, you said, had a legal background. Were those
12 women present on July 21st as well?

13 A. I think they were there as well.

14 Q. And --

15 A. I can't remember all who was out in the
16 street, but there was kind of group that new things were
17 going down at the restaurants, and they just wanted to
18 be supportive and -- yeah.

19 (Reporter instruction.)

20 THE WITNESS: Okay. Pause.

21 MS. CARLISLE: Sorry.

22 BY MS. CARLISLE:

23 Q. So going back to the July 21st, 2020 meeting
24 where Ms. Irani came and provided you with -- with these
25 documents, Exhibits 3 and 4, what did she say to you

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1 when she gave you the documents?

2 A. I think I might have spoke more, and she just
3 said: Hey, you know, this is -- pretty much -- I'm
4 just -- just doing my job.

5 Kind of (unintelligible) -- I don't think she
6 said much.

7 Q. Okay. Did she inform you that --

8 Did she remind you that Tuck's was in
9 violation of the public health orders at that time?

10 A. I would say assume she did. I -- I can't
11 remember exactly, but that was probably protocol, so I'm
12 sure she did.

13 Q. And -- and what did you say to her?

14 A. On the -- you mean, when they --

15 Q. On July 21st.

16 A. Well, that's -- yeah, that's the -- the whole
17 thing. I'm just, like, you know, "I know you're just
18 doing your job, but really think the policy that you
19 guys are following along with is going to be really
20 harmful for not only this -- our restaurant, the city,
21 and county, and state, and the nation, that there's
22 better ways forward. I hope in the future you can be
23 involved in advocating for better policy."

24 Q. And how did she respond to that?

25 A. She was -- she was -- she was always -- she

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1 was, you know, she was pleasant. Just -- "Got to do
2 this."

3 Q. Okay. On Exhibit 4, the -- the closure
4 order -- I'm sorry -- going back to Exhibit 3, the
5 second paragraph on the bottom of the first page, it
6 says, [As read] This establishment is hereby ordered to
7 close and shall be closed until correction is made and
8 this department determines that the violations have been
9 eliminated or corrected.

10 Do you see that? And that's the paragraph
11 right before the last paragraph.

12 MR. BAILEY: This here.

13 **THE WITNESS: Okay. Yes.**

14 BY MS. CARLISLE:

15 Q. So -- so you understood that the restaurant
16 would be closed until it came into compliance with the
17 orders; right?

18 **A. Yeah. We disagreed that there was imminent**
19 **health hazard, but we understood what it, you know, what**
20 **it meant.**

21 Q. Okay. And you understood that the county was
22 going to close the restaurant until it came into
23 compliance?

24 **A. Or take away our operating permit.**

25 Q. Well, you understood that your operating

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1 permit could be taken away if -- if you continued to not
2 comply; right?

3 A. Wait, wait. So --

4 Well, I mean, the -- our permit was -- when
5 they posted that that was revoking our operating permit,
6 was it not? Just by posting that sign?

7 Q. Was -- was --

8 MR. BAILEY: You have to -- it's not -- I
9 can't testify for you.

10 THE WITNESS: Right.

11 MR. BAILEY: You have to testify as to your
12 understanding of what the question is.

13 THE WITNESS: Right.

14 BY MS. CARLISLE:

15 Q. So when was your operating -- when was --

16 MR. BAILEY: Well, hold on. I think he has an
17 answer that he wanted to give to the prior question.

18 Can you reread the -- I'm sorry, Counsel.

19 MS. CARLISLE: Yeah. Let's reread the
20 question.

21 MR. BAILEY: Yeah.

22 (Wherein, the reporter read back the requested portion.)

23 THE WITNESS: Yes, I understood that.

24 BY MS. CARLISLE:

25 Q. All right. And then, after you received these

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1 documents on July 21st, 2020, the county offered to
2 assist Tuck's with -- with further guidance related to
3 compliance; right?

4 **A. Yes.**

5 Q. And with developing a compliance and
6 mitigation plan?

7 **A. Uh-huh.**

8 Q. Okay. And -- and then Tuck's didn't comply
9 with the orders after receiving this letter; is that
10 correct?

11 **A. Until -- yeah. Until about three days before**
12 **the meeting on August 3rd.**

13 Q. Okay. After you received this
14 July 21st, 2020, letter and closure order, fines were
15 imposed on the restaurant; correct?

16 **A. Correct.**

17 Q. When were the fines imposed?

18 **A. I remember we got an e-mail or a notice saying**
19 **the fines -- 2,002 -- I can't remember the exact amount,**
20 **but I believe we were -- we were notified.**

21 Q. Do you remember how soon that was after the
22 July 21st, 2020 letter?

23 **A. I think it was within a week. I don't -- I**
24 **don't remember an exact date that we were notified about**
25 **the fines.**

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1 targeted.

2 Q. And why is that?

3 A. Like with the -- when Amy -- when Amy Irani
4 came in with the show of force, we were the only
5 restaurant -- first restaurant to get a closure notice
6 when others were open.

7 So part of it -- 'cause we were kind of the
8 leader at the time. A lot of the actions seemed, like,
9 targeted towards us, like: If we can get them to shut
10 up, then maybe everyone else will fall in line too.

11 That was kind of our feeling.

12 Q. Was there anything that Amy said at that
13 meeting on, I believe you said July 15th? Did she say
14 anything that her visit was in retaliation for something
15 that Tuck's had done?

16 A. Not in that meeting, no.

17 Q. Okay. Did she say that on July 21st, 2020?

18 A. Not -- not on July 21st.

19 Q. Okay. So -- so Amy never said to you in
20 July 2020 that any of the actions that the county took
21 to enforce the public health orders were in retaliation
22 for something that Tuck's had done; is that correct?

23 A. She never stated that, no.

24 Q. Okay. And nobody else from the county ever
25 said that in 2020; right?

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1 **A. No.**

2 Q. Were you in contact with anyone else from the
3 county during that time?

4 **A. We might have responded to e-mails from -- I**
5 **think it was Nicole. She was -- worked with Amy. She**
6 **sent out a lot of letters, so we might have responded**
7 **with -- with her. You know, like, she -- she did a lot**
8 **of the guidance, and come hand the packets, so we had**
9 **interaction with her. I think that -- from the county**
10 **at that time, I think that was -- that was it.**

11 Q. And the e-mails that Nicole sent out those
12 informed you of complaints that the county had received
13 about Tuck's not complying with the orders; is that
14 right?

15 **A. I believe so. She -- I think she sent out**
16 **everything from complaints, to guidance, to updates, and**
17 **protocol, to, you know, I think that was her job**
18 **description.**

19 Q. Okay. And she never said that any of these
20 e-mails were being sent in retaliation for something
21 that Tuck's had done; correct?

22 **A. Correct.**

23 Q. Okay. So no one from the county, during
24 July 2020, stated that anything that any representative
25 of Tuck's, including you and your dad, had said was the

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1 reason for enforcing the public health orders; is that
2 right?

3 A. On -- between what time period?

4 Q. July 2020.

5 A. In -- in July, no.

6 Q. Okay.

7 A. Yeah.

8 Q. And --

9 A. I mean -- yeah. There was no direct
10 statement. We had a sense that not only did they want
11 us to comply with public health directives, but they --
12 we got a sense they wanted us to shut up.

13 Q. How did you get that sense?

14 A. Kind of the, you know, when it was supposed to
15 be just a conversation with us and Amy and then coming
16 with a massive show of force with, you know, a bunch of
17 cops with guns on their belts. That, kind of, we were
18 like: Hmm. Okay.

19 So why, you know, for the -- why the show of
20 force. Also targeting first going to -- with all the
21 ABC and everyone, but not anyone else. First closure
22 sign. It seemed -- it seemed to us like there was,
23 like, a little subtext going on that it was more than
24 just not following the orders. We were getting a lot of
25 people to gather, speak their minds, advocate for policy

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1 change, represent different data and different theories
2 of a better way to move forward than what California was
3 proposing. Other, you know, other counties that were
4 already doing that. So it -- it seemed like there was a
5 little more to it in our minds.

6 Q. But on the July --

7 A. There was no direct statement.

8 Q. Okay. There was no direct statement on
9 July 15th, 2020, from any one of the people who came
10 from the county, or ABC, or the city. No one said that
11 they were there because of any sort of speech activity
12 or gatherings that -- that Tuck's had been doing;
13 correct?

14 A. No. They were pretty careful on their
15 language.

16 Q. And same on July 21st, 2020, there was no
17 statement that anything that you or anyone at Tuck's
18 had -- had said in opposition of the public health
19 orders was the reason --

20 (Reporter clarification.)

21 BY MS. CARLISLE:

22 Q. Anyone -- anything that anyone at Tuck's had
23 said in opposition to the public health orders --
24 Ms. Irani didn't say that was the reason that she was
25 there; right?

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1 **A. No.**

2 Q. Okay. And you understood that the notice of
3 violation was being provided because Tuck's was not in
4 compliance with the public health orders; right?

5 **A. Correct.**

6 Q. Okay. Okay. So let's -- let's switch gears
7 and talk about your opposition to the public health
8 orders and restrictions on -- on local restaurants
9 during the COVID period.

10 So we talked about how the initial public
11 health orders were instituted in March 2020; right?

12 So -- so what was your initial reaction to the
13 restrictions?

14 **A. Initially, we -- we discussed we, we -- we**
15 **agreed right off the bat that it was so early there**
16 **wasn't enough data out there to suggest doing anything**
17 **otherwise than what was first proposed by the governor**
18 **and the state. So we were, like, all right, let's --**
19 **let's do this because we don't -- no one knows anything**
20 **about this thing yet. So we were on board like everyone**
21 **else to -- to follow along with --**

22 Q. And then, when did that change?

23 **A. Probably we, you know, maybe in -- in a couple**
24 **of months down the road we, you know, where everyone was**
25 **learning a lot more about the virus. There were**

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1 know, and then it went -- constantly changing. The
2 goalposts were constantly moving, but at that time, it
3 just -- especially in our county. And we thought, you
4 know, counties should have more say and that we're
5 trying to get our county to be more proactive and making
6 decisions based on what's best for their people instead
7 of a one-size-fits-all.

8 Q. And so when did you start expressing your
9 opposition to the public health orders?

10 A. I don't -- I know we were, you know, the all
11 the restaurants were meeting and discussing, and -- but
12 I don't think there was any, like, we were pretty much
13 acting -- acting on our own until that first indoor shut
14 down. And then I think people started talking more, and
15 meeting, and trying to figure out what -- what to do.

16 Q. So by the "first indoor shutdown," are you
17 talking about March 2020?

18 A. No, no, no. The first -- the -- when you
19 reopened and then shut it down again.

20 Q. So the July 13th, 2020?

21 A. Yeah, July 13th.

22 Q. Okay. So -- so are you saying that around
23 July 13th, 2020, was when a group of restaurants started
24 meeting to talk about the public health orders?

25 A. Yeah. I think there were some of us that --

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1 some -- some groups -- yeah, were -- I don't know if we
2 were -- maybe it was more after the 13th that we started
3 meeting with people. I think before that, we were just
4 kind of making our -- our own decisions.

5 Q. And --

6 A. But, you know, there's a lot of restaurants
7 close by, so you're just constantly talking with people.

8 Q. Before -- before July 13th, 2020, did you
9 personally speak out against the COVID restrictions?

10 A. There's probably -- yeah, during that month
11 in -- in June. We were, you know, we were probably
12 discussing. Me and my dad, you know, people in the
13 restaurant, maybe with other restaurant owners, you
14 know, but at that time we were -- the restaurant was
15 open -- yeah. I don't -- I don't think there was a ton
16 of opposition at that time because -- because we were --
17 we were kind of okay with that gradual reopening.

18 Q. So in June 2020, you weren't publicly
19 expressing your -- your opposition to the public health
20 orders?

21 A. Yeah. I don't even think we were that opposed
22 with, you know, how it was going, but there was, at that
23 time, more data out there than there was in the first,
24 like, 15 days to slow the spread that turned into 30
25 and, you know. And, initially, we were just, like --

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1 yeah, like, everyone else.

2 Q. So from the period from July 1st to July 13th,
3 were you speaking out at all about the public health
4 orders?

5 A. I think -- I until it -- they closed indoor
6 dining. I don't think we were voicing a ton of
7 opposition. I don't, you know, there might have been
8 some new data out there where it's, like, you know, the
9 virus is this size, the mass are this size, and it's
10 like throwing sand through chain link fence. So there
11 might have been some stuff like that where like this
12 just doesn't make a lot of sense, or the one size fits
13 all kind of way to go doesn't make a lot of sense. So
14 there's -- there's rumblings of, kind of, some -- how
15 some of the stuff was going that didn't seem super-well
16 thought out.

17 Q. So -- so what you're saying is around
18 July 2020, you started, you know, hearing information
19 from these other sources that is suggested to you that
20 perhaps these restrictions weren't a good idea; is that
21 right?

22 A. Yeah.

23 Q. And so, at what point did you start talking to
24 other people, besides your dad, about your opposition to
25 the restrictions?

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1 A. Yeah. Probably right -- right around when --
2 yeah -- a little -- right around when the indoor
3 shutdown took place, and we decided to stay open.

4 Q. So right around --

5 (Simultaneous crosstalk.)

6 **THE WITNESS: Yeah.**

7 BY MS. CARLISLE:

8 Q. -- July 13, 2020 --

9 A. Yeah.

10 **A week or two before that. Yeah.**

11 Q. And -- and what did you do to express your
12 opposition?

13 A. I was mostly meeting and discussing with --
14 with -- with a lot of different people that -- and a lot
15 of different businesses, apart from restaurants and
16 people, kind of seeing where it was -- where it was
17 going and -- yeah, just, kind of, you know, kind of
18 started from there where people were: We don't like the
19 direction this is heading in. The way it's being
20 handled, so...

21 Q. So did --

22 Were you involved in organizing these
23 meetings?

24 A. A lot of them happened organically, but we --
25 yeah, we did start to meet with like-minded restaurants.

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1 Q. In terms of the organic meetings that
2 happened, did those happen on or after July 13th, 2020?

3 A. Most likely. Yeah, most likely after.

4 Q. Okay. And that -- and that was just sort of
5 the informal meetings; is that right?

6 A. No. A lot of -- yeah, a lot of them were
7 informal. I don't think it was until we started the --
8 the restaurant coalition that there was, like, weekly
9 meetings, and then -- yeah, different organized --
10 educational events and whatnot.

11 Q. So during the time period between
12 July 13th, 2020 and the end of July 2020, were there any
13 formal meetings with -- with other like-minded
14 restaurants?

15 A. From the -- one -- one more -- one more
16 time -- the dates?

17 Q. Starting on July 13th, 2020 --

18 A. Uh-huh.

19 Q. -- when the -- the indoor dining closed --

20 A. Right.

21 Q. -- down again. I think that's when you said
22 the -- the meetings sort of started; is that correct?

23 A. Yeah.

24 Q. And -- and at first, those were just informal
25 meetings; right?

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1 A. Yeah. Just people, you know, getting
2 together, discussing, and talking. I know in
3 July before the August 3rd meeting, we met with -- with
4 Steve and Old Town Cafe, Sergio's, we had people come,
5 you know, coming in talking. I think Greg Lean,
6 Sergio's and Lena's lawyer, he might have been one of
7 them, but people were starting to get together and
8 discuss not -- not only legal stuff but just moving
9 forward -- what -- what we wanted to do.

10 Q. When was that meeting?

11 MR. BAILEY: With the lawyers?

12 MS. CARLISLE: Yes.

13 MR. BAILEY: Is that what you're asking?

14 **THE WITNESS:** Yeah.

15 MS. CARLISLE: Uh-huh.

16 **THE WITNESS:** It was probably -- for -- I
17 can't remember. It might have been one -- once or
18 twice. I know we had -- we closed down three or
19 four days before the August 3rd meeting, but I can't
20 remember if we talked over the phone to decide to do
21 that or met in person. I know there was one time when
22 we met with a group.

23 BY MS. CARLISLE:

24 Q. And do you think that was before or after the
25 August 3rd meeting?

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1 **A. That was before.**

2 Q. That was before? Was it in August or was it
3 in July?

4 **A. In July.**

5 Q. Was it after you received the notice of
6 violation?

7 **A. Uh-huh.**

8 Q. Okay.

9 **A. Must -- yeah, must have been after.**

10 Q. Okay. And that was with representatives from
11 Sergio's and Old Town Cafe?

12 **A. Yeah. I know one time we had a meeting**
13 **with -- yeah, all three representatives from all three**
14 **restaurants for...**

15 Q. Were there any other restaurants involved
16 in -- in that meeting?

17 **A. Initially -- oh, maybe Lior from the --**
18 **One 11, from across the street. I don't -- he some --**
19 **he sometimes pop into some of the meetings and I**
20 **can't -- like 50 percent of the time.**

21 Q. What was his name?

22 **A. Lior. I don't know his last name.**

23 Q. Do you know how to spell his first name?

24 **A. No.**

25 Q. Okay. And the restaurant was called One 11?

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1 **A. One 11.**

2 Q. Is that just numbers or is it written out?

3 **A. Yeah. It's 1-1-1. Just -- yeah.**

4 Q. Okay.

5 **A. In Nevada City. He might have been there.**

6 **I'm not -- I can't remember.**

7 Q. Okay. And is this the only formal meeting
8 that happened before August 3rd, 2020?

9 **A. I believe so.**

10 Q. Okay. All the rest of the interactions were
11 more informal?

12 **A. Uh-huh. Phone calls, a number of -- yeah.**

13 Q. Okay. And then, did you speak out in any
14 other ways after July 13th, 2020? Did you -- besides
15 these meetings did you speak out in any other way?

16 **A. Not -- not that I recall.**

17 Q. Okay.

18 THE VIDEOGRAPHER: I'm sorry. Can you move
19 your microphone up? It seems like (unintelligible).

20 MS. CARLISLE: Sorry.

21 THE VIDEOGRAPHER: That's okay. Thank you.

22 BY MS. CARLISLE:

23 Q. Did you post on any social media any
24 opposition to the public health orders in June of 2020?

25 **A. Not -- not that I recall.**

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1 Q. What about before -- in July, before
2 July 13th, 2020?

3 A. Not -- yeah, I don't recall any social --
4 anything on social media.

5 Q. Okay. What about the period from
6 July 13th, 2020, to the August 3rd meeting?

7 A. It's -- it's possible my dad wrote some
8 e-mails explaining our position, but I don't think
9 social media. I don't think social media.

10 Q. And then, in terms of the e-mails, you said
11 it's possible that your dad wrote some e-mails about
12 your position. Was that after July 13th, 2020?

13 A. In between -- yeah, in between that -- in the
14 August 3rd meeting, it's -- yeah, it's possible he could
15 have communicated why we were -- why we were staying
16 open. Probably pretty likely.

17 Q. Okay. And do you think that was after
18 July 13th, or was it after July 21st, when you got the
19 notice of --

20 (Simultaneous crosstalk.)

21 THE WITNESS: Oh, probably -- probably
22 July 13th, because we were open, and probably he wanted
23 to let people know why, so...

24 BY MS. CARLISLE:

25 Q. Okay. I just have a couple of more questions,

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1 know my dad sent e-mails to pretty much everyone.

2 MS. CARLISLE: Okay. Let's take a ten-minute
3 break, and we can talk about when we want to do lunch.

4 THE VIDEOGRAPHER: We are going off the record
5 at 11:40 a.m.

6 (Off the record.)

7 THE VIDEOGRAPHER: We are back on the record
8 at 11:52 a.m.

9 BY MS. CARLISLE:

10 Q. Mr. Paige, before we took our break, we were
11 talking about your opposition to the COVID restrictions
12 prior to the August 3rd meeting.

13 A. Right.

14 Q. So I want to -- I want to focus on the period
15 after the August 3rd meeting now.

16 So after the August 3rd meeting for the rest
17 of August, did you speak out against the COVID
18 restrictions?

19 A. I think we continuously, you know, even though
20 we were like, "Oh, let's comply for a while", we
21 didn't -- it didn't stop us speaking out that we didn't
22 agree with the direction it was going.

23 Q. And how did you speak out during the period of
24 August 2020?

25 A. Probably -- I think -- I think we started

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1 having meetings and probably started, you know, a lot of
2 people were starting to come out with, you know, kind of
3 different policy paths and stuff like that. So everyone
4 was -- we were just -- we were talking a lot with fellow
5 restaurants, fellow business owners, people coming in.

6 Q. Were these informal meetings or informal
7 meetings?

8 A. I think -- I think we -- at that time
9 before -- you'd have to ask my dad the exact date when
10 we started like with the coalition meetings, but then --
11 then we were having formal weekly meetings.

12 Q. Okay. That was -- that was in conjunction
13 with the coalition?

14 A. Yeah.

15 Q. Okay. So prior to forming the coalition, were
16 you having any sort of formal meetings?

17 A. I don't -- I don't think so.

18 Q. Okay.

19 A. I think we -- you know, someone -- someone
20 might come over after like Old Town Cafe their
21 business -- they did lunch and breakfast, so sometimes
22 they'd come over and talk while we were doing dinner,
23 and I think most -- mostly informal from what I
24 remember.

25 (Simultaneous crosstalk.)

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1 BY MS. CARLISLE:

2 Q. And who were the people that you were talking
3 to informally during August 2020?

4 A. Probably Robin and Lisa, and Sergio, and
5 Leona, and Lior next door. I can't remember his name
6 from Calla Lily Crepes, just all the different
7 restaurant owners.

8 Q. Anyone else besides representatives of those
9 four -- three restaurants?

10 A. I mean, it's just -- you know, we -- I think
11 we were doing outside dining at the time, but -- yeah, I
12 mean, it's just what everyone was talking about, so...

13 Q. Okay. And -- and so these were more informal
14 in-person conversations?

15 A. Yeah.

16 Q. Were you having the same amount of informal
17 in-person conversations as before August 3rd, or did it
18 sort of increase after August 3rd?

19 A. Probably started -- I'd -- I'd say that
20 probably the -- the intensity probably started to even
21 pick up, and it kept picking up all the way through
22 probably, like, midsummer the next year when things
23 started to calm down. I think it just kept ramping up.

24 Q. Okay.

25 A. Just the more time there was, the more data

September 05, 2023

1 was out, different counties doing different things,
2 different states doing different things, and California
3 kept doing the same, you know, the same thing of not
4 knowing, so...

5 There's was just -- there was a reason for
6 continuous ramp up.

7 Q. And then, in terms of -- we had mentioned --
8 or you had mentioned, e-mails that were being sent out.
9 Were there e-mails that were sent out from -- from
10 Tuck's in August 2020 opposing the public health orders?

11 A. I don't know for sure. Probably, fairly
12 likely.

13 Q. Okay.

14 (Reporter instruction.)

15 BY MS. CARLISLE:

16 Q. That was -- that would be your dad, who was --

17 A. Yeah.

18 Q. -- dealing with it?

19 A. Probably -- pretty likely he sent out e-mails,
20 but -- yeah.

21 Q. Okay. Was there any other sort of form of
22 written communication opposing the public health orders
23 that -- that you were engaged in?

24 A. Personally, not -- not that I recall.

25 Q. Okay. And were you posting on social media in

September 05, 2023

1 A. No. He's like a real prominent geologist.

2 Q. Okay.

3 A. Scientist guy.

4 Q. When was the restaurant coalition formed?

5 A. I think it was kind of informally formed, you
6 know, with just people, like-minded people, concerned
7 about what's going on meeting.

8 And then, I can't -- my dad would know the
9 exact date that we decided that, you know, this is
10 something that needs to, you know, needs to be. And
11 then, we made a website and all that kind of stuff, and
12 then it got more formal.

13 Q. Was that in late August or early
14 September 2020?

15 A. I would -- I would imagine so. It would be in
16 this, you know -- it probably started -- started -- I'm
17 speculating. But, you know, October, September --
18 October, November. Sometime in there, I think it -- I
19 don't -- I'm not really sure.

20 Q. Okay. So it --

21 A. Fuzzy on those dates.

22 Q. -- it was later in the summer or the fall that
23 it started? Okay.

24 A. Yeah.

25 Q. It wasn't -- it didn't -- it started after

September 05, 2023

1 that August 3rd meeting that you had?

2 **A. Yes.**

3 Q. Okay. And now, you mentioned that it was
4 meetings, sort of informally, before it was actually
5 started as an official group?

6 **A. Before we called it, like, the coalition,
7 Nevada County Restaurant Coalition.**

8 Q. Okay. And what --

9 **A. I remember when we decided hey, we need to get
10 a group, like-minded people, there -- whatever you want
11 to call it. You know, we were trying to figure all that
12 stuff out.**

13 Q. Okay. So but it wasn't sort of formalized as
14 an official group until the -- until later on
15 (unintelligible) --

16 **A. I think -- I think -- I can't --**

17 Q. So but as soon as it was formalized as a
18 group, is that when it started having more regular
19 meetings at Kane's?

20 **A. Yeah. We'd have them either at Kane's or
21 at -- at our restaurant.**

22 Q. And those more formal meetings started -- did
23 they start around the time when the coalition was formed
24 or did it start after that?

25 **A. Probably the more formal ones after it was**

September 05, 2023

1 personally did not speak with anyone else at the county
2 after that; is that correct? Until the August 3rd
3 meeting?

4 **A. I don't -- I don't believe so.**

5 Q. Okay. Was it your dad that was interfacing
6 with the county during that time period?

7 **A. Yes.**

8 Q. Okay. Are you aware of how the August 3rd
9 meeting was set up?

10 **A. I believe -- I believe we met with -- with**
11 **Steve and then kind of saw the -- the path forward you**
12 **had to request a meeting. And I think we requested a**
13 **meeting to meet with our counsel and their counsel to**
14 **negotiate and, you know, figure out how to move forward.**
15 **I think that's how it happened.**

16 Q. Was the request made through your counsel or
17 was it made through -- did your dad make the request?

18 **A. I can't recall.**

19 Q. Okay.

20 **A. I'm pretty sure we -- we had -- I think it was**
21 **part of the protocol was we had to request a meeting**
22 **and --**

23 Q. Do you know how soon before the August 3rd
24 meeting that request had happened?

25 **A. No, probably within a week.**

September 05, 2023

1 correct?

2 **A. Yes.**

3 Q. Okay.

4 **A. Yeah.**

5 Q. And -- and I think you said that you are not
6 familiar with those communications, but your dad would
7 be familiar with the communications prior to the
8 meeting; is that right?

9 **A. Yeah, yeah.**

10 Q. Okay.

11 (Simultaneous crosstalk.)

12 BY MS. CARLISLE:

13 Q. So let's keep it --

14 MR. BAILEY: Yes or no?

15 **THE WITNESS: Yes.**

16 MS. CARLISLE: She has to --

17 MR. BAILEY: We've -- we've been doing it all
18 day with this "yeah", but if we're going to start up,
19 let's --

20 **THE WITNESS: Okay.**

21 MS. CARLISLE: Sounds good.

22 BY MS. CARLISLE:

23 Q. So let's talk about the meeting itself. So
24 you attended the meeting; is that correct?

25 **A. On the -- on the 3rd?**

September 05, 2023

1 Q. On the 3rd.

2 A. Yes.

3 Q. August 3rd. Okay.

4 And who else attended that meeting?

5 A. Me, my dad, Steve, Robin and Lisa.

6 Q. And the representatives from Old Town Cafe,
7 that's Robin and Lisa; is that correct?

8 A. Yes.

9 Q. And they attended the same meeting as you and
10 your dad for Tuck's; right?

11 A. Yes.

12 Q. Okay. And who did you meet with from the
13 county?

14 A. Kit Elliot and Amy Irani.

15 (Reporter clarification.)

16 THE WITNESS: Kit Elliot and Amy Irani were
17 there.

18 BY MS. CARLISLE:

19 Q. Okay. And you said you had spoken to
20 Amy Irani previously when -- on July 15th, 2020, and
21 then also on July 21st, 2020?

22 A. Correct.

23 Q. Had you spoken to her any other time prior to
24 the meeting on August 3rd?

25 A. No.

September 05, 2023

1 just don't remember the time of day.

2 Q. Okay.

3 A. It was the third.

4 Q. Do you think it lasted for more than an hour?

5 A. To me, I wouldn't say more than an hour.

6 Around that, maybe.

7 Q. An hour or less?

8 A. Yeah.

9 Q. Is your best estimate?

10 A. Yeah. Not as long as -- as this.

11 Q. Okay. I know this is kind of marathon.

12 A. Okay.

13 Q. Okay. And -- and at that meeting, the
14 representatives from the county discussed the
15 requirements of the -- of the public health orders;
16 correct?

17 A. Yes.

18 Q. Okay. And -- and they discussed the
19 importance of complying with those requirements;
20 correct?

21 A. Yes.

22 Q. Okay. And they discussed how Tuck's was not
23 in compliance with the public health orders?

24 A. Yes.

25 Q. Okay. And did they review a compliance plan

September 05, 2023

1 for Tuck's to get it in compliance with the public
2 health orders?

3 A. I -- I don't remember exactly. If not, they
4 discussed that there would be one.

5 Q. Okay. So there was a discussion about how
6 Tuck's could come into compliance with the public health
7 orders?

8 A. Right.

9 Q. Okay. And -- and the representatives from the
10 county told you and your dad that Tuck's would need to
11 comply with the public health orders in order for the
12 fines to be reduced; is that correct?

13 A. Not only did they say we would have to comply
14 with the public health orders to get the fines reduced
15 and operating permit back, but along with that, they
16 said we had to behave.

17 And right after that, they talked about, you
18 know, we're getting inundated with e-mails, phone calls,
19 and basically people voicing their dissent and
20 advocating for different policy.

21 So to us, it was clear that not only was it
22 following the public health orders, it was stop doing
23 what you're doing and voicing dissent.

24 Q. Who -- who made the statement that Tuck's
25 needed to behave?

September 05, 2023

1 they mentioned the letter or the e-mail?

2 A. It was -- it was towards the end, we're like,
3 "Okay. Okay."

4 You know, everyone is like, all right,
5 wrapping it up, but it did kind of stick our minds
6 because we -- I think, discussed it not long after the
7 meeting. We were like, "Wait, did you hear that?
8 That's -- did they really say that?"

9 Q. During the actual meeting itself, the -- you
10 discussed the fines that were imposed on Tuck's and how
11 to reduce them; correct?

12 A. Yes.

13 Q. Okay. And -- and was there a plan that was
14 agreed upon as to how much the fines would be reduced?

15 A. I don't -- I don't recall exactly.

16 Q. Okay.

17 A. I know the meeting -- the purpose of it was to
18 negotiate getting the permit back and possible reduction
19 of fines or complete elimination of fines.

20 I knew that was part -- part of the -- the
21 purpose of the meeting.

22 Q. Okay. And during the meeting, did you
23 negotiate getting the permit reinstated?

24 A. Yes. Yeah, we did.

25 Q. And was it agreed that the permit would get

September 05, 2023

1 reinstated the following day?

2 **A. Yeah. I think it was the following day with**
3 **an inspection. Then, it would get reinstated.**

4 Q. Okay. So --

5 **A. And pending an inspection.**

6 Q. So you had -- during the meeting you had
7 negotiated the fact that the permit would be reinstated
8 the following day after an inspection; right?

9 **A. Yes. If we -- if we followed the public**
10 **health line -- guidelines, behaved, and everything else,**
11 **yes.**

12 Q. Well, but the county had agreed to reinstate
13 your permit while pending an -- an inspection --

14 **A. Correct.**

15 Q. -- before there was the "behave" statement;
16 right?

17 **A. That, I don't recall.**

18 Q. Well, you told me that the "behave" statement
19 occurred at the end of the meeting, after -- after the
20 meeting had officially ended, when it was more informal;
21 right?

22 **A. It seemed -- I don't know if it officially**
23 **ended, but it seemed in the more -- in the more informal**
24 **stage of -- of the meeting.**

25 Q. But it was at the very end; right?

September 05, 2023

1 A. From what I recall, it was towards -- it was
2 towards the end of the meeting.

3 Q. And then --

4 A. It just kind of -- kind of concluding all --
5 everything. You know, it was like the conclusion of the
6 meeting.

7 Q. So the agreement to reinstate the permit
8 happened prior to that statement?

9 A. Probably -- yeah. I think so.

10 Q. Okay. And -- and the discussion of
11 potentially reducing the fines also occurred prior to
12 the "behave" statement; right?

13 A. Yes.

14 Q. Okay.

15 Now, prior to the August 3rd meeting, county
16 representatives had not reached out to you and asked you
17 to stop opposing the public health orders; right?

18 A. To -- to stop opposing them? We never got any
19 written statement telling us to not voice our
20 opposition.

21 Q. Did you get any oral statements asking you
22 to -- to not voice your opposition prior to the
23 August 3rd meeting?

24 A. No. The only moment that it felt like that
25 was that August -- I mean, July -- trying to figure out

September 05, 2023

1 the starting to forget the dates -- when Amy Irani came
2 in with ABC, code enforcement, all that, that we kind of
3 interpreted like, there -- that "behave" was a part of
4 that meeting. Given that no one else was visited
5 with -- with a little party.

6 Q. But again, Ms. Irani never --

7 A. No.

8 Q. -- said don't oppose the public health orders?

9 A. No.

10 Q. And no one else present at that meeting did
11 either?

12 A. No.

13 (Reporter instruction.)

14 **THE WITNESS: Sorry.**

15 BY MS. CARLISLE:

16 Q. And -- and prior to the August 3rd meeting, no
17 one from the county told you to stop asking other people
18 to oppose the public health orders; right?

19 A. No.

20 Q. Okay. And prior to the August 3rd meeting,
21 nobody at the county indicated to you that negotiations
22 about reduction and fines would be conditioned on not
23 voicing opposition to the public health orders; right?

24 A. Wait, is that a --

25 Q. That was a bad question.

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1 (Simultaneous cross-talk; unintelligible.)

2 BY MS. CARLISLE:

3 Q. Okay. Prior to the August 3rd meeting --

4 **A. Uh-huh.**

5 Q. -- you did not receive any statement from the
6 county that in order to negotiate your fine reduction,
7 you had to stop opposing the public health orders;
8 right?

9 **A. Yes, that's correct. We did not get that.**

10 Q. All right. No one at the county told you in
11 order to have a meeting with us, you need to stop your
12 opposition to the public health orders; right?

13 **A. At what -- at what time?**

14 Q. Prior to the August 3rd meeting.

15 **A. Prior to the August 3rd, no.**

16 Q. And you didn't receive any communication from
17 the county prior to August 3rd that in order to have
18 your permit reduced -- or I mean, excuse me -- permit
19 reinstated, you would need to stop opposing the public
20 health orders; right?

21 **A. By opposing, you mean by voicing dissent?**

22 Q. Yes.

23 **A. Yeah. We didn't receive anything like that**
24 **prior to --**

25 Q. Okay.

September 05, 2023

1 **A. -- August 3rd.**

2 Q. And -- and August 3rd was the first time you
3 negotiated with the county about reducing your fines and
4 getting your permit reinstated; is that right?

5 **A. In person, there's probably some talk of --**
6 **that we're going into negotiations, which I think is**
7 **part -- that's kind of part of negotiation, too. But**
8 **that was it, the first in-person negotiations on**
9 **August 3rd.**

10 Q. Okay.

11 **A. Yeah.**

12 Q. And after the August 3rd meeting, did you have
13 further negotiations with the -- with the county about
14 the fines being reduced?

15 **A. I -- I believe so, that I don't -- I don't**
16 **have a clear memory. My dad might know that --**

17 Q. Was --

18 **A. -- better.**

19 Q. Was your Dad involved in negotiating the fine
20 reduction?

21 **A. With Counsel, yes.**

22 Q. Okay. You -- you weren't involved in that
23 aspect?

24 **A. I think I was aware -- aware of it but not --**
25 **yeah, I don't -- I don't remember.**

September 05, 2023

1 between August 3rd and August 4th, were you involved in
2 any negotiations with the county about having your
3 permit reinstated?

4 **A. Between August 3rd and August 4th, like we**
5 **were -- no. Personally, no.**

6 Q. And the permit was reinstated on August 4th;
7 right?

8 **A. Right.**

9 Q. Okay.

10 **A. Fourth -- yeah -- fourth or -- fourth or fifth**
11 **(unintelligible) -- I think it's the fourth.**

12 THE VIDEOGRAPHER: I'm sorry. Can you have
13 you two separate a little bit? He's in the shot. Thank
14 you.

15 (EXHIBIT 5 WAS MARKED FOR IDENTIFICATION.)

16 BY MS. CARLISLE:

17 Q. Okay. So Exhibit 5 is a Notice of
18 Reinstatement of Operational Permit; do you see that?

19 **A. Yes.**

20 Q. And it's dated August 4th, 2020; right?

21 **A. Yes.**

22 Q. And it was sent to you and your father;
23 correct?

24 **A. Yes.**

25 Q. And signed by Amy Irani; right?

September 05, 2023

1 **A. Uh-huh.**

2 Q. Okay. And -- so let's take a look at this.

3 So the second paragraph says [As read] On
4 August 4th, 2020, a health inspector, Nicole Johnson,
5 confirmed with you a scheduled inspection of your
6 facility for August 5th, 2020, at 1:00 p.m.

7 Right?

8 **A. Yes.**

9 Q. Do you remember that that inspection was
10 confirmed on August 4th?

11 **A. I -- when I was there, I was there during the
12 inspection.**

13 Q. And the inspection took place on August 5th?

14 **A. Yes.**

15 Q. Okay. Were you involved in any communications
16 on August 4th about the inspection?

17 **A. We -- we were going through the restaurant,
18 she was making sure, you know, everything was
19 basically -- so you guys are shut down inside, you know,
20 and then went through with -- to make sure that it's set
21 up for if it did reopen for indoor.**

22 So I -- yeah, I was there through that whole
23 thing and any suggestions she had, I -- I noted down
24 and --

25 Q. So --

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1 **A. -- I remember I was part of that.**

2 Q. Okay. So -- so let's talk about the actual
3 inspection in a minute, but I -- I want to go back
4 just -- just for a second and talk about if you had any
5 communications with either Nicole Johnson, or Amy Irani,
6 or anyone else from the county on August 4th, about
7 scheduling that inspection?

8 **A. No. Not -- with me, no.**

9 Q. Okay. And so on -- on August 5th, Ms. Johnson
10 came to do the inspection; is that right?

11 **A. Right.**

12 Q. Did anyone else come with her?

13 **A. As best as I can recall, I think it was just
14 her.**

15 Q. And -- and were you the only one from Tuck's
16 who met with her, or was someone else there as well?

17 **A. I think it was -- I think it was my dad and I.**

18 Q. Okay. And can you describe to me again what
19 happened during that inspection?

20 **A. From what I remember, it was just make -- you
21 know, making sure we were closed inside, had proper
22 signage up, stuff -- like I said, I think so people can
23 still go in and use the restroom, even if they were
24 outside. So -- yeah.**

25 Just making sure all -- I don't think it took

September 05, 2023

1 very long.

2 Q. Okay. And did Ms. Johnson say anything to you
3 about your opposition to the public health orders during
4 that inspection?

5 A. No.

6 Q. In the -- in the third paragraph of this
7 letter, the August 4th, 2020 Notice of Reinstatement of
8 Operational Permit says, [As read] Based on the e-mail
9 you sent to me, which updates the prior Tuck's current
10 operational plan and the current efforts you are making
11 to comply for the inspection of your facility, your
12 permit to operate has been reinstated and is active as
13 of August 4th, 2020.

14 Correct?

15 A. Correct.

16 Q. Okay. So you recall that your permit was
17 reinstated on August 4th, prior to that inspection;
18 right?

19 A. Yeah, yeah.

20 Q. Okay. And -- and it was reinstated because
21 you had provided an operational plan and were going to
22 comply with the public health orders; right?

23 A. Yeah. Pending inspection -- will activate
24 your permit -- today. Well, there, it says pending
25 inspection, but it looks like the inspection was the

September 05, 2023

1 following day.

2 Q. Where are you seeing the pending? Oh, I see.

3 A. [As read] In the spirit of cooperation, in
4 good faith, pending your inspection tomorrow at
5 1:00 p.m., will activate your -- will activate your
6 permit today.

7 Okay.

8 Q. So the permit was activated on
9 August 4th, 2020; right?

10 A. Yeah. It looks -- it looks like it. Yeah, it
11 looks like it was.

12 Q. And -- and in this paragraph, Ms. Irani is
13 indicating that the permit is being reinstated because
14 Tuck's has indicated that it's going to comply with the
15 public health orders; right?

16 A. In our opinion, it was to comply with the
17 public health orders and behave.

18 Q. Well, did you ever tell the county that you
19 were going to stop opposing the public health orders?

20 A. Did we ever tell them that we were -- we were
21 going to stop?

22 Q. Yeah. I mean, it says here that [As read]
23 The -- the permit is being reinstated based on the
24 e-mail you sent to me, which updates the prior Tuck's
25 current operational plan and current efforts you are

September 05, 2023

1 making to comply with the inspection of your facility.

2 Right?

3 **A. Right.**

4 Q. So that -- that statement is referring to
5 efforts to comply with the public health orders; right?

6 **A. Right.**

7 Q. It doesn't say anything about stopping
8 opposition to the public health orders; right?

9 **A. That -- in -- yeah -- in that statement, no.**

10 Q. And then, the -- the next sentence, [As read]
11 The Nevada County Environmental Health Department, in
12 the spirit of cooperation and good faith pending your
13 inspection tomorrow at 1:00 p.m., will activate your
14 permit today, August 4th, 2020.

15 Do you see that statement?

16 **A. Yes.**

17 Q. Okay. So that it -- when -- when the letter
18 says "in the spirit of cooperation and good faith,"
19 that's also referring to compliance with the public
20 health orders; right?

21 **A. Yeah. In our minds, it was, among other
22 things, but -- yeah, definitely it. It --**

23 Q. Why would you --

24 **A. -- refers to it.**

25 Q. Why would you believe that -- that is

September 05, 2023

1 Q. Okay. And so when did he, sort of, stop being
2 as vocal?

3 A. **Maybe about a year after that.**

4 Q. Okay. It was the next spring and summer
5 you're referring to?

6 A. **Yes.**

7 Q. Okay, got it.

8 Are you aware of any other restaurants that
9 were fined as a result of violation to the public health
10 orders?

11 A. **Yes.**

12 Q. Which ones?

13 A. **Calla Lily Crepes, Sergio's, Old Town Cafe,
14 Valentina's. That's all I can think of.**

15 Q. I'm sorry. You've mentioned Calla Lily Crepes
16 and -- and Old Town Cafe before. What was Valentina's?

17 A. **Another organic little bakery, bistro, in
18 Grass Valley.**

19 **Might have had Greg -- Greg Lean might have
20 been her lawyer, I don't remember.**

21 Q. And you believe that they were fined?

22 A. **I think they -- I'm not a hundred percent
23 sure. I -- I think so, but I'm not a hundred percent
24 sure.**

25 Q. Who was the owner?

September 05, 2023

1 A. I could find out. I can't -- off the top of
2 my head, I don't -- I can't remember her name right now.

3 Q. Are you aware of other restaurants whose
4 permits were suspended as a result of the violations of
5 the public health orders?

6 A. Yes.

7 Q. Which restaurant were those?

8 A. I believe it was Old Town, Sergio's, Calla
9 Lily Crepes.

10 Q. Now -- are you aware of whether those three
11 restaurants that you mentioned Calla Lily Crepes, Old
12 Town Cafe, and Valentina's? Do you know whether or not
13 they negotiated their permit reinstatement and their
14 fines with the county?

15 A. In my recollection, they all did.

16 Q. Okay. And do you know what the result of
17 those negotiations was?

18 A. I believe at some point, everyone got their
19 permits -- permits reinstated. For -- for -- for --
20 yeah -- for a time at least -- yeah. I think they had
21 got them reinstated.

22 Q. Now, let's take those individually for a
23 moment.

24 Calla Lily Crepes -- you --

25 Were the owners of Calla Lily Crepes speaking

September 05, 2023

1 out against the public health orders?

2 **A. Yes.**

3 Q. And -- but you don't have any information that
4 the county conditioned negotiations with them on not
5 speaking out; correct?

6 **A. No.**

7 Q. Okay. So you -- you don't have any
8 information that they were told not to speak out;
9 correct?

10 **A. No.**

11 Q. With regard to Valentina's, was the owner of
12 Valentina's speaking out against the public health
13 orders?

14 **A. Yes.**

15 Q. And -- but you don't have any information that
16 negotiations between Valentina's and the county were
17 conditioned on them ceasing speaking out; correct?

18 **A. No. Never -- yeah. Never had a conversation
19 relating to that.**

20 Q. So you don't know whether the county said
21 anything to them about their speech activities; right?

22 **A. No.**

23 Q. Now, you -- you know, that there are -- there
24 were other restaurants whose permits were suspended for
25 other reasons; right?

September 05, 2023

1 Q. -- your stance versus or what the county
2 (unintelligible.)

3 (Simultaneous crosstalk.)

4 **THE WITNESS: That stuff is hard to quantify**
5 **for sure.**

6 BY MS. CARLISLE:

7 Q. Okay. So there's really no way to quantify
8 that; right?

9 A. My dad might have a better answer than I do,
10 but -- yeah. I'm not the finance guy, so...

11 Q. And --

12 A. I wouldn't know.

13 Q. Are you claiming you were damaged in any other
14 way?

15 A. Only -- only way I can see damages were, you
16 know, there's some financial damage and some
17 reputational damage.

18 Q. And we've already talked about those; right?

19 A. Right, yeah.

20 Q. You're not claiming that the county is still
21 violating your constitutional rights, are you?

22 A. Not that I know of.

23 Q. There's -- there's no way the county is -- is
24 still -- is in any way telling you to stop opposing the
25 COVID orders; right?

September 05, 2023

1 **A. No.**

2 Q. Because the COVID orders are no longer in
3 existence; right?

4 **A. For now.**

5 Q. So you're not claiming the county is currently
6 retaliating against you; right?

7 **A. No, no evidence of that.**

8 Q. And there's no current negotiations going on
9 between you and the county about reducing fines;
10 correct?

11 Those fines were already reduced a long time
12 ago; right?

13 **A. Correct.**

14 Q. And there's no current negotiations about
15 reinstating your permit; right?

16 **A. No.**

17 Q. And you're not claiming that the county is
18 still somehow stating that the coalition -- that forming
19 the coalition would be grounds for refusing to negotiate
20 anything current?

21 **A. Currently?**

22 Q. Yes.

23 **A. No.**

24 Q. And the county has worked with you since
25 August 3rd, 2020, on a variety of your issues with your

September 05, 2023

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REPORTER'S CERTIFICATE

---oOo---

I, Olivia M. Rendon, a Certified Shorthand Reporter in and for the State of California, hereby certify that the witness in the foregoing deposition was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place therein stated; that the testimony of the said witness was reported by me, a disinterested person, and was thereafter transcribed under my direction into typewriting; that the foregoing is a full, complete, and true record of said testimony; and that the witness was given an opportunity to read it and, if necessary, correct said deposition and to subscribe the same.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing deposition and caption named, nor in any way interested in the outcome of the cause named in said caption.

Executed this 3rd day of October, 2023.



Olivia M. Rendon, CSR 14306

EXHIBIT 15

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION
---oOo---

TUCK'S RESTAURANT AND BAR a)
California corporation KENNETH R.)
PAIGE CHAD PAIGE BUCKMAN)
ENTERPRISES, LLC a California)
limited liability company ROBIN)
BUCKMAN and THE NEVADA COUNTY)
RESTAURANT COALITION, an)
unincorporated membership)
association,)
)
Plaintiffs,)
)
vs.) No. 2:20-cv-02256-KJM-CKD
)
NEVADA COUNTY, CALIFORNIA;)
KATHERINE ELLIOT; and DOES 1)
through 10, inclusive,)
)
Defendants.)
_____)

KENNETH PAIGE, 30(b)(6)
SACRAMENTO, CALIFORNIA
SEPTEMBER 6, 2023

REPORTER: OLIVIA M. RENDON, CSR 14306
FILE NO.: 89416

September 06, 2023

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION
3 ---oOo---
4 TUCK'S RESTAURANT AND BAR a)
California corporation KENNETH R.)
5 PAIGE CHAD PAIGE BUCKMAN)
ENTERPRISES, LLC a California)
6 limited liability company ROBIN)
BUCKMAN and THE NEVADA COUNTY)
7 RESTAURANT COALITION, an)
unincorporated membership)
8 association,)
9 Plaintiffs,)
10 vs.) No. 2:20-cv-02256-KJM-CKD
11 NEVADA COUNTY, CALIFORNIA;)
KATHERINE ELLIOT; and DOES 1)
12 through 10, inclusive,)
13 Defendants.)
_____)

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15
16 DEPOSITION OF KENNETH PAIGE, 30(b)(6)
17 at 555 Capitol Mall, Suite 1200, Sacramento, CA 95814,
18 California,
19 beginning at 9:14 a.m., Wednesday, September 6th, 2023,
20 Before Olivia M. Rendon, Certified
21 Shorthand Reporter No. 14306.
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September 06, 2023

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A P P E A R A N C E S

FOR DEFENDANTS:

MEYERS NAVE
BY: CATHERINE L. CARLISLE
555 Capitol Mall,
Sacramento, California 94814

916-556-1531
CCarlisle@meyersnave.com

FOR BAILEY & ROMERO:

BAILEY & ROMERO
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william@baileyandromerolaw.net

Also Present:

Steven Cathy, videographer

September 06, 2023

1 president -- or in 2020, were you present at the
2 restaurant during open hours?

3 **A. Twenty-three out of 24 hours.**

4 Q. Okay.

5 Okay. So I want to turn to the COVID-19 --
6 public health orders and restrictions that were in
7 place.

8 MR. BAILEY: And again, I'll impose the same
9 objections as yesterday. We don't necessarily agree
10 that they're orders. So that objection will just remain
11 on the record. You can -- you can use the word "orders"
12 as we did yesterday, but we object to the
13 characterization.

14 MS. CARLISLE: Okay.

15 BY MS. CARLISLE:

16 Q. So you're aware that beginning in March 2020,
17 there were various public health orders and rules and
18 guidance that were put in place in response to COVID-19?

19 **A. Yes.**

20 Q. Okay. So I am going to refer to them as the
21 public health orders or as to COVID restrictions. Okay?

22 And you understand that most of these were
23 imposed by the State of California; right?

24 **A. Yes.**

25 MR. BAILEY: And again, we object to that

September 06, 2023

1 characterization because not all the orders, in our
2 opinion, are state orders. Some of them, we believe,
3 are county orders.

4 MS. CARLISLE: Okay.

5 MR. BAILEY: Thank you.

6 You can answer her questions.

7 MS. CARLISLE: Okay.

8 MR. BAILEY: I think my role is probably done
9 now, and I can (unintelligible) --

10 (Simultaneous crosstalk.)

11 **THE WITNESS: No. No. You're gonna have to**
12 **read a book. You have to stay awake.**

13 BY MS. CARLISLE:

14 Q. All right. So you're aware these public
15 health orders that we've been talking about required
16 food service establishments, like Tuck's, to comply with
17 certain requirements; right?

18 **A. Yes.**

19 Q. And these requirements were aimed at stopping
20 the spread of COVID; right?

21 **A. Yes.**

22 Q. Okay. And there were certain times between
23 March 2020 and June 2021 when these restrictions were in
24 place that restaurants were required to cease providing
25 certain types of dining services; right?

September 06, 2023

1 **A. Yes.**

2 Q. And that included on-site services as a whole
3 in some periods; correct?

4 **A. Yes. I'm aware of those.**

5 Q. And then, also indoor dining services?

6 **A. Yes.**

7 Q. And then, restaurants were also required at
8 certain times to limit indoor dining capacity; right?

9 **A. Yes.**

10 Q. And comply with masking and social distancing?

11 **A. Yes.**

12 Q. Okay. And they were also prohibited, at
13 various times, during this time period, from hosting
14 large events such as live music concerts; right?

15 **A. Yes.**

16 Q. And from offering live music in doors; right?

17 **A. Yes.**

18 Q. And you acknowledge that Tuck's did not follow
19 many of these orders; right?

20 **A. Yeah. There were times we did, times we
21 didn't.**

22 Q. Okay. So let's go through that.

23 So between March 19, 2020 and May 8th, 2020,
24 during that initial period when restaurants were
25 required to stop on-site dining; you recall that;

September 06, 2023

1 A. Yeah.

2 Q. And were there periods of time where, you
3 know, despite marking off tables and things like that,
4 the restaurant got full and -- and there wasn't
5 necessarily the social distancing going on --

6 A. There were times. I mean, obviously, you get
7 people that come into a bar, you've got only four chairs
8 out.

9 You go: Hey, you know, you're not supposed to
10 be that close.

11 I mean, it wasn't like: Get out of here.

12 It was: Yeah. I know, but I want a beer.

13 You know, so we were trying our best to
14 navigate it.

15 And they: Come on, Ken. Don't do it.

16 So we were trying to do our best with it, and
17 everybody --

18 Honestly, the people that came in were very
19 responsible, good people. And that's why we did what we
20 did.

21 Q. Okay. And how about masking? Did you --
22 during that period of time did you require employees to
23 wear masks?

24 A. We -- we explained to them the orders. And
25 because of our position of -- very strongly committed to

September 06, 2023

1 personal freedom and rights that we told people -- you
2 can bring an employee in that: Hey, guys. This is what
3 it is. You need to wear a mask because of this, but I
4 can't impose that on you because that's who I am.

5 But we're saying these people when they come
6 in --

7 So many of them, even Chad, wore a mask to be
8 an example. You know, you should or you shouldn't, and
9 we were trying to navigate, look at their eyeballs.
10 Should you? Shouldn't you? And we were trying to do
11 the best we could to navigate through it without saying:
12 No mask. You're out of here.

13 You know, we -- we had the COVID protocol on
14 our HR where if you're sick, if you take your
15 temperature, don't come to work. You know, we were
16 doing all of that, and I thought we navigated pretty
17 well, in my opinion. But that -- that's my opinion, but
18 we were working with what we had, being -- trying to be
19 prudent, responsible with our people.

20 Q. Okay. So during the period -- from
21 May 8th, 2020 to July 13th, 2020, there were certain
22 employees who chose not to wear masks?

23 A. Yes.

24 Q. Okay. And --

25 A. And some of them --

September 06, 2023

1 Q. I'm sorry. You didn't enforce those
2 requirements with regard to those employees?

3 A. Correct.

4 Q. Right.

5 A. There were many of them that said: I have
6 asthma. I have --

7 Especially in the kitchen, they said: It's --
8 we can't breathe. The smoke.

9 And so, you know: You need to do what you need
10 to do. My doctor said I can't do this?

11 (Unintelligible.)

12 Okay. So we were trying to respect and honor
13 it as best we could.

14 BY MS. CARLISLE:

15 Q. Okay. And then, how about in regard to
16 patrons? Did you require them to wear masks during that
17 period of time?

18 A. We -- we allowed them to come in. If they
19 weren't wearing a mask, we said: You just need to be
20 responsible. You need to sit over here because they're
21 over here.

22 And, you know, that kind of thing.

23 So we didn't have much adversarial stuff going
24 on in the restaurant at all. We just tried to be
25 respectful.

September 06, 2023

1 Q. Okay. And then, let's talk about the period
2 from July 13, 2020 to August 28, 2020. And that was
3 when there was another order that required a shut down
4 of indoor dining. Do you recall that?

5 A. Yes. I recall -- yes. I recall that.

6 Q. Okay. Thank you.

7 And how did Tuck's respond to that particular
8 order?

9 A. Well, for that --

10 From the May -- March until that period of
11 time, we felt we were kind of tracking. And then, when
12 they said "nothing inside," it just hit our gut to say
13 we can't do that. I mean, we have to figure out what to
14 do.

15 And we were very torn because we were
16 concerned about the public and fear and everything that
17 was going on. And yet, at the same time, we said: We
18 need to have a business open.

19 And hundreds of people telling us: We need
20 you.

21 So we just said we're going to just stay open
22 inside, which was total violation of that at the time.

23 Q. Okay. So from July 13th, 2020 to
24 August 28, 2020, Tuck's remained open for indoor dining;
25 correct?

September 06, 2023

1 A. Yes. We -- we were open -- if I recall,
2 with -- we were open. When we shut down, immediately we
3 had a call from the health department saying --

4 In fact, I was driving back from somewhere,
5 and Amy said, "Hey, Ken. Can we come talk to you? You
6 know, we need to talk about this."

7 And I said, "Oh, yes. Yeah, that's fine."

8 Little did we know that six people were going
9 to show up with police department and ABC and just have
10 this nice little conversation.

11 So -- so anyway, we did stay open after that.
12 And then, they -- they put closure on the door. We
13 stayed open, but then, we shut down for about five days
14 to just figure out what to do. Talk to Steve, talk to
15 our attorney. And should we? Shouldn't we? And what
16 should we do?

17 Q. And those five days, that was right before the
18 August 3rd meeting; is that correct?

19 A. Yes. That's correct. Because we were -- we
20 were -- we were struggling. You know, what do we do? I
21 mean, we can't do this forever. It's not good, and
22 that's where I believe the -- I think that was somewhere
23 right before that or during that time is when we
24 connected with an attorney and said: We need help. And
25 what can we do?

September 06, 2023

1 it was a tier. So we were trying to follow the stage
2 thing, and then it turned into tiers later on.

3 But we did --

4 Again, we were trying to navigate -- what do
5 we do now? Based on what we can do. We did get our
6 encroachment permit from the city right around the same
7 time that we reopened in August 5th or whenever we got
8 our permit back. But our encroachment permit with the
9 city and ABC all came together, I think, within a week.
10 So we were able to put our tables and chairs in the
11 streets and try to figure that out. So we -- we said:
12 Hey, that's good. At least we'll -- do something.

13 Q. Okay. So after the August 3rd, 2020 meeting,
14 you -- Tuck's remained open for -- for indoor dining;
15 right? For the rest of August; is that --

16 A. Correct.

17 Q. And then, it also had outdoor dining during
18 August as well?

19 A. Yes.

20 Q. Okay. And did the outdoor dining continue
21 through the rest of the fall?

22 A. Well, what happened was we had the outdoor
23 dining, and I went to Truckee to -- I was trying to talk
24 to the restaurant owners -- and what are you doing? I
25 saw the tents that they had there.

September 06, 2023

1 Who did you work with with the county to --

2 A. It was Bryan McAlister. I think he's the city
3 engineer. He was the primary guy to come out and --

4 Q. With the city or with the county?

5 A. Oh, with -- that was the city.

6 Q. Okay.

7 A. 'Cause we did that with the city. With the --
8 they were the ones involved, not the county.

9 Q. I see. Okay.

10 A. Yeah, yeah.

11 Q. Okay. And then, let's talk about the rest of
12 that period, the end of August through December.

13 Can you tell me whether Tuck's complied with
14 limitations on indoor dining capacity?

15 A. Well, if --

16 My recollection is the tier thing came in. So
17 we were trying to figure out what tier are we in and
18 what can we do. And, you know, with the tiers came how
19 much you can open? So we were navigating, what color
20 are we? What should we do? So we were doing our best
21 to go with the flow of what it was for the entire period
22 all the way through December. It wasn't just all-out
23 what we wanted. We were trying to navigate with what
24 was given to us, indoor and outdoor.

25 Q. Okay. Was there a period of time in the fall

September 06, 2023

1 when you determined to be a little more lax with the
2 indoor dining capacity requirements?

3 A. I believe the spirit of what went was it got
4 to the point where we said, I think we needed a lawsuit
5 or talk to an attorney. What do -- what do we do? And
6 that was in November of that year and in -- in our
7 opinion, because that's, you know, we're a -- I'm not
8 sure if we're just talking about just Tuck's or
9 coalition, that was the point in time where we have to
10 advocate for a whole different way of doing things.
11 Let's talk about it and -- and that's how it -- it all
12 got to a head.

13 So I believe as far as lax, I would say after
14 the lawsuit came into play, we felt a little more
15 comfortable to just kind of do more of what we felt we
16 could do. And honestly, I guess I would speculate, but
17 my opinion would be that a lot of the heat turned down.
18 It wasn't against us anymore. We were able to do a
19 little more. That's just an opinion. I have no idea.

20 Q. Now, in November of 2020, was when you started
21 being a little bit more lax in terms of capacity
22 requirements?

23 A. Uh-huh.

24 Q. Okay. And -- and even before that, although
25 you had tables marked off, if there were additional

September 06, 2023

1 people who came in, did you enforce the capacity
2 requirements?

3 A. When we did -- we did table, we did table. We
4 did whatever it was. The servers were: oh, we --

5 No, we can't do that.

6 You know, so we were -- we were pushing very
7 hard to try to maintain as close to the standard as we
8 could because our reputation in the community with our
9 clientele and our employees that -- they -- we want them
10 to recognize we're character people. We're going to do
11 the best we can and manage both sides.

12 So we -- we held the line. It wasn't all
13 guns. Let's go do this thing. It was -- it was --
14 our --

15 We looked -- Chad and I looked at each other
16 and go: No. You can't do that.

17 And we have to --

18 So we were struggling with how to keep this in
19 place as best possible and, given the circumstances,
20 keep our business and all of that.

21 Q. Okay. What about masking requirements during
22 the period from the end of August to November, did you
23 require employees to wear masks?

24 A. No.

25 Q. And did you require patrons to wear masks?

September 06, 2023

1 **A. No.**

2 Q. Okay. And then, that remained the case from
3 November through December? You did not require
4 employees to wear masks?

5 **A. Correct. Yes.**

6 Q. And you did not require patrons to wear masks,
7 right?

8 **A. Right.**

9 Q. Okay. So on December 11th, 2020, there was a
10 public health order that required restaurants to stop
11 on-site dining. Do you remember that?

12 **A. Yes. I do.**

13 Q. Okay. And how did Tuck's respond to that?

14 **A. Staying open.**

15 Q. Okay. So you stayed open for indoor dining.
16 The period lasted to January 12, 2020. Do you recall
17 that?

18 **A. Yes.**

19 Q. Okay. You -- you remained open for indoor
20 dining during that period?

21 **A. Yes.**

22 Q. And did you also have outdoor dining during
23 that period?

24 **A. We still had the tent, so we did that.**

25 Q. Okay. And did you have tables marked off

September 06, 2023

1 during that period or enforce any sort of capacity
2 restriction at that point?

3 **A. We did very little in restriction. We just**
4 **let the flow of the customers somewhat determine it**
5 **because of their cries to us. As much as you get**
6 **negative mail, the amount of we need to be together, our**
7 **family needs to be together, so it was more, your family**
8 **over here and then trying to navigate it. But we did**
9 **not put the tables out, require all of that.**

10 Q. Okay. And during that period, again, from
11 December 11th, 2020 to January 12th, 2021, did you
12 require employees to wear masks?

13 **A. No.**

14 Q. And did you require patrons to wear masks?

15 **A. No.**

16 Q. Okay. And then, after January 12, 2020
17 through June 15, 2021, which was when the restrictions
18 were lifted, did you continue to not enforce any sort of
19 capacity requirements?

20 **A. That's correct.**

21 Q. And you continued to not enforce social
22 distance requirements?

23 **A. Correct.**

24 Q. And you continued to not require employees to
25 wear masks?

September 06, 2023

1 A. Correct.

2 Q. And continued to not require patrons to wear
3 masks?

4 A. Correct.

5 Q. Tuck's also hosted several large events when
6 the COVID restrictions were in place; is that correct?

7 A. We've never had events. Ever. Our first
8 event was our 50th anniversary. We just operate the way
9 we always operate. We have a very small stage with a
10 musician that comes in. And during COVID time, many
11 musicians did not even want to come and play. So if
12 they were willing to play, they wanted to play. We
13 would say: Okay. You can come in and set up. It's
14 your --

15 Acoustical guitar. That's our event. And
16 who's playing? I don't know, a person that wants to
17 show up.

18 Q. And that was indoors; right?

19 A. Yes. We -- we did have --

20 We tried to get musicians outside as much as
21 possible in the tent to encourage people to sit outside
22 for whoever wanted to come.

23 Q. But you did have musicians indoors?

24 A. Yes.

25 Q. And was that pretty frequent that you had

September 06, 2023

1 musicians indoors during the COVID restrictions?

2 A. Well, honestly, we tried to get them as much
3 as we could, but we were respecting that many of them
4 didn't want to come. And if they didn't, we said: If
5 you like to, do it.

6 So they would come and ask us: Can we play?
7 Are you letting us play?

8 And we'd say: Yeah, we'll let you play.

9 But we -- we never -- our -- our MO is never
10 to be aggressive during the time. Our -- our --

11 "Would you like to? You can do that."

12 So that's the way we operate.

13 Q. There was a New Year's Eve event that you
14 hosted on December 31st, 2020; is that right?

15 A. Yeah. Our just normal New Year's Eve --
16 everybody knows where there -- they come.

17 Q. And there was an advertisement on your
18 website for that?

19 A. Uh. It was just our normal -- whatever. New
20 Year's Eve -- you come.

21 Q. But -- but you didn't advertise New Year's Eve
22 as a special event at all?

23 A. We don't advertise anything. It's just: Are
24 you open New Year's?

25 You come, so...

September 06, 2023

1 home early. So I would -- I would imagine if we -- if
2 we got the numbers, just, we probably had less than a
3 hundred people, maybe. Everybody is usually in bed by
4 10:00 o'clock. They get their champagne and go home.
5 So they don't -- it's not a party. It's more of a --
6 anyway...

7 Q. Okay. And then, you also hosted some
8 graduation parties in that spring of 2021; is that
9 right?

10 A. May, yeah. We had some proms that were done
11 there. Correct.

12 Q. Okay. And that was with three different high
13 schools; is that right?

14 A. Yeah. Three to five, I don't -- yeah.

15 Q. Okay. And each high school was a separate
16 event; is that right?

17 A. Yes.

18 Q. Okay. And were there large crowds of people
19 that came to those events?

20 A. I think Nevada Union was the largest, and then
21 Colfax, and some of the others, but -- yeah, it was a
22 amazing event.

23 Q. And how many people would you estimate that
24 came to those particular events?

25 A. I'm guessing the -- probably the largest high

September 06, 2023

1 school was maybe a hundred twenty students.

2 Q. Okay. And this is an estimate, not a guess
3 because I don't want you to guess. Okay?

4 A. It's just an estimate.

5 Q. Okay.

6 A. Yeah.

7 Q. But you have reason to believe that it was
8 about a hundred twenty people?

9 A. Yes.

10 Q. Okay. Okay. And you didn't enforce social
11 distancing requirements during --

12 (Simultaneous crosstalk.)

13 THE WITNESS: Correct.

14 BY MS. CARLISLE:

15 Q. -- those parties; correct?

16 A. Correct.

17 Q. Okay. And you didn't require the people to
18 wear masks?

19 A. Correct.

20 Q. Okay.

21 Did Tuck's have any sort of official policies
22 with regard to the COVID restrictions when they were in
23 place?

24 A. We had the --

25 All the information we received, we gave it to

September 06, 2023

1 to correct?

2 A. I believe so. Some of those that were right
3 up front, did you stay open? I -- I realized, no. Take
4 out? I didn't -- I honestly did not pay strict
5 attention. In the beginning, I was just yes, no,
6 whatever. And -- and now, I believe, to the best of my
7 knowledge, we've covered most everything.

8 Q. Okay. Is there anything we haven't covered?

9 A. I don't think so. The -- I don't think so.

10 Q. Okay. And the -- the requests for admission
11 that did not have dates, do you believe those are still
12 accurate; correct?

13 (Simultaneous crosstalk.)

14 **THE WITNESS: Yes.**

15 BY MS. CARLISLE:

16 Q. The -- the responses that you gave?

17 A. Yes.

18 Q. Okay. And just to confirm that your responses
19 to the interrogatories, which was a separate document,
20 you believe that those answers were correct; right?

21 A. To the best of my knowledge.

22 Q. Okay.

23 A. They are.

24 Q. Okay. Thank you.

25 So the county provided Tuck's with guidance

September 06, 2023

1 about the public health orders beginning in March 2020;
2 right?

3 **A. Yes.**

4 Q. And did they provide informational packets?

5 **A. Yes.**

6 Q. Okay. And did they provide descriptions about
7 how restaurants could comply?

8 **A. Yes.**

9 Q. Okay. And did they provide compliance or
10 mitigation plans?

11 **A. Yes.**

12 Q. Okay. And that continued throughout the
13 period of the COVID restrictions; correct?

14 **A. I believe we -- we saved most of them --
15 e-mail or maybe a packet to go through.**

16 Q. Okay. And that continued between March 2020
17 and -- and June 2021; correct?

18 **A. Yes.**

19 Q. Okay. And you were aware that there were
20 complaints from citizens and other businesses about
21 Tuck's noncompliance with the -- the COVID orders;
22 right?

23 **A. Correct.**

24 Q. Okay. And -- and that started -- when -- when
25 did that start that you started receiving --

September 06, 2023

1 (Simultaneous crosstalk.)

2 THE WITNESS: Complaints? Honestly, we had --
3 we had very few. My recollection would be complaints
4 came more toward the latter part, maybe July -- June or
5 July. We start hearing some.

6 BY MS. CARLISLE:

7 Q. And -- and that was complaints that you
8 directly heard from citizens and other businesses?

9 A. The -- some complaints were e-mailed, I would
10 say, you know, you shouldn't be open or whatever. We
11 had -- once in a while, somebody at the door would say:
12 Why are you doing what you're doing?

13 And we would give them a response to that.
14 But honestly, there weren't very many that we heard.

15 Q. Directly?

16 A. Direct.

17 Q. (Unintelligible) --

18 (Simultaneous crosstalk.)

19 THE WITNESS: Directly. Yeah, just right to
20 our faces. Correct.

21 BY MS. CARLISLE:

22 Q. Okay. The county provided you with
23 information about complaints that they had
24 received about --

25 (Simultaneous crosstalk.)

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1 THE WITNESS: We --

2 BY MS. CARLISLE:

3 Q. -- about your noncompliance; correct?

4 A. We would get an e-mail every now and then. We
5 had in a complaint that people weren't wearing a mask
6 or, I don't know, whatever else it would be. But,
7 periodically, we would get an e-mail from the county.

8 Q. Okay. And when did that start? When did you
9 start receiving those e-mails?

10 A. My recollection was more of around the
11 July timeframe.

12 Q. Okay.

13 A. July, August. Right in there.

14 Q. Okay.

15 And representatives from the county visited
16 Tuck's to discuss the noncompliance with the public
17 health orders; right?

18 A. Amy -- yeah. Amy Irani.

19 Q. And -- and when did that happen?

20 A. It happened -- if I remember right, it was
21 the -- July 12th, 13th, that she came in. I think it
22 was, like, 13th, 14th of July. Somewhere in there.
23 That was after a phone call that said, "Let's get
24 together and talk about it."

25 Q. Okay. So were you involved in that phone

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1 call?

2 A. I was driving in my car, and she said, "Hey
3 Ken, can we get together?"

4 Q. Okay. Did you know her previously?

5 A. Not other than she was the county health
6 official.

7 Q. Had she interacted with you before?

8 A. I don't recall. She had -- you know when they
9 do the inspections, they had one of the representatives
10 come, but I don't remember seeing her.

11 Q. Okay. And what did she say when she called
12 you on -- what was the date she called you on?

13 A. I'm thinking it was between the 13th and 15th
14 of July, I think. 'Cause it was soon after we said we
15 were staying open -- said: Let's talk.

16 If I -- if I recall it, somewhere in there.

17 Q. Okay. And -- and -- and what -- what did she
18 say to you during that conversation?

19 A. She said, "I -- we need to talk about what's
20 going on. Can we come and --"

21 I don't remember what I said. Can -- 'cause
22 it was very light. And it was like, "Oh, let's get
23 together. Let's talk about what's happening and
24 what's -- what's going on at Tuck's." So that's all I
25 recollect happening.

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1 Q. Okay. And then, she came in person to the
2 restaurant after that?

3 A. Yeah. We had the meeting, and little did we
4 know three ABC officers, three -- three police
5 department people, two people from the county, seven
6 people walking into the restaurant for a nice little,
7 light meeting to kind of figure out what's going on.

8 Q. When did that occur?

9 A. It was within a few days after we stayed open.
10 July -- I'm guessing it was 13, 14 -- somewhere in
11 there.

12 Q. Okay.

13 A. Yeah.

14 Q. And who was -- who participated in that
15 meeting on behalf of Tuck's?

16 A. Chad and I were there.

17 Q. Okay.

18 A. And then, also -- who else came in? I think
19 it was primarily us. I thought Leore (ph) from next
20 door, one-eleven came in to listen to -- 'cause, you
21 know, I said, "Hey, we're going to meet with the health
22 department." I think -- if I remember right, I think he
23 came in too, just to hear what was going on.

24 Q. Okay. And so Amy Irani was there on behalf of
25 the county; correct? Was there anyone else there on

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1 behalf of the county?

2 **A. Yeah. She had --**

3 **I thought it was Nicole. I think that was the**
4 **person at the time, if I remember her name. Yeah. I**
5 **believe there was only two from the health department.**

6 **Q. From -- from the -- from the county?**

7 **A. From the county.**

8 **Q. Okay. And then, who were the other people who**
9 **were there?**

10 **A. We -- I -- I think we got their names**
11 **someplace. ABC -- there were three -- three -- three,**
12 **you know, badges. And then, two police officers in**
13 **uniform -- or two or three from the city. I believe it**
14 **was the city police officers.**

15 **Q. Okay. Is that all the people that were**
16 **present?**

17 **A. Yeah. If I remember right, that was it.**

18 **Q. Okay. So did they just -- did they come into**
19 **the restaurant and -- and sit down and talk to you?**

20 **A. Well, Amy sat down with the person, and others**
21 **stood around the table.**

22 **Q. Okay.**

23 **A. The other people.**

24 **Q. And what -- what did Amy say to you during**
25 **that visit?**

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1 A. Amy was going through her package. You know,
2 this is the protocol, this is -- you know, she was --
3 she was following, you know, what was -- what needed to
4 be done so.

5 Q. So she -- she went over what the guidelines
6 were at that time --

7 A. Yes.

8 Q. -- for the COVID restrictions?

9 A. Yes.

10 Q. Okay. And did she go over how Tuck's was not
11 in compliance with the phone lines?

12 A. Yeah. She was saying what we needed to do
13 to -- she was telling -- she knew we were opening, and
14 she was saying, "You need to be doing these things."
15 You know, the following...

16 Q. Okay. So she went over what the requirements
17 of the public health orders were and the ways in which
18 Tuck's was not in compliance --

19 (Simultaneous crosstalk.)

20 **THE WITNESS: Yes.**

21 BY MS. CARLISLE:

22 Q. -- with those orders?

23 A. Yes.

24 Q. And then, after that, she talked about how
25 Tuck's could come into compliance?

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1 A. If I recall, it was -- it was educational and
2 then, saying -- it was things we've already known. It
3 was just, like, reiterating what we already knew. So it
4 was basically, "Yeah, I know. I know. I know."

5 Q. Okay. Did she talk about anything else with
6 you at that meeting?

7 A. I don't recall anything but the business at
8 hand.

9 Q. And -- and how did you respond during that
10 meeting?

11 A. We just listened, and we -- we heard what she
12 had to say. We did -- if I recall, we made a very
13 strong case to her to begin to tell her why we were
14 doing what we were doing and advocating. There's better
15 ways to do this. That's why we're doing it. And she
16 didn't seem to want to listen to that. She just, you
17 know, kind of put her head down and followed the script.
18 And so we were trying to advocate a different way -- let
19 her know.

20 Q. Did she say anything in response to --

21 A. I don't --

22 Q. -- what you were saying?

23 A. I don't -- I don't recall her saying too much
24 toward us except, "You need to follow."

25 Q. Okay. And what about the other people that

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1 were present from ABC and from the city? Did they say
2 anything during the meeting?

3 A. No. They just, pretty much, stood there and
4 looked at them, and, you know, we need to follow -- and
5 honestly, I didn't know what they were doing there. You
6 know, it was like they just, kind of -- yeah, we're ABC,
7 and we're police and -- and she's telling us, and it --

8 I had no idea. We were in shock that that
9 many people would show up to have a nice friendly
10 meeting about what was going on.

11 Q. Okay. Did --

12 What happened after that meeting?

13 A. Well, immediately after she left and -- Chad
14 and I said: Well, what are we going to do?

15 And we, you know, tough decisions, and staying
16 open, and all. We did stay open for a period of time
17 after that, but it was more of a -- we never been
18 through this before, so it's -- what do we do?

19 You know, our position is, there's better
20 ways, and let's do this. Let's stay -- so we just kind
21 of ran the course and during that -- until we closed
22 down and then we had our meeting after, so...

23 Q. Okay. So after this meeting, which took place
24 on July 14th or 15th, you discussed with Chad, and then
25 you determined to stay open for indoor dining for a

September 06, 2023

1 period of time?

2 **A. Yes.**

3 Q. Okay. Did you have any further conversations
4 with Ms. Irani before you received your Notice of
5 Violation and Closure Order?

6 **A. Before she came in?**

7 Q. Or (unintelligible) --

8 So after this meeting on the 14th and 15th.

9 **A. Uh-huh.**

10 Q. Did you have any further conversations with
11 Ms. Irani before you got to Notice of Violation and
12 Closure Order?

13 **A. I don't remember any further contact.**

14 Q. Okay. Did you have any further contact with
15 anyone that was at the county between -- during that
16 time period?

17 **A. You know, in the back of my mind, I keep
18 thinking of, you know, Nicole would say: You need -- you
19 need to follow the guidelines or --**

20 I vaguely remember there could have been
21 something between then and the time we met again. I
22 don't remember a whole lot.

23 Q. Okay. Did you -- did Nicole come to the
24 restaurant, at any point, before this July 14th or 15th
25 meeting that we've been talking about?

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1 A. I'm not sure if it was her, but I do remember
2 they would come in, and there would be a package on the
3 bar. The health department left this for you and that
4 kind of stuff. But I don't recall who it was, but...

5 Q. Did you ever speak with the person who came in
6 to drop off these packets?

7 A. I don't recall any conversations. It was
8 more -- whatever came was just, like, there it is. It
9 was...

10 Q. And did you ever speak with Nicole
11 independently at any time before you received the notice
12 of violation?

13 A. I don't recall talking to her before, but I do
14 remember getting comments of complaints from her. Yeah.

15 Q. Okay. I want to hand you a couple more
16 exhibits.

17 Okay. So let's take a look at Exhibit 3.
18 (EXHIBIT 3 WAS MARKED FOR IDENTIFICATION.)

19 **THE WITNESS: Got it.**

20 BY MS. CARLISLE:

21 Q. And this is dated July 21st, 2020; right?

22 A. Uh-huh, yes.

23 Q. And this is a Notice of Violation Immediate
24 Closure Order of this Establishment; correct?

25 A. Correct.

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1 Q. And it says it was hand delivered by
2 Amy Irani; correct?

3 A. Correct.

4 Q. Do you recognize this document?

5 A. Yes.

6 Q. Okay. Did you receive this document on
7 July 21st, 2020?

8 A. Yes.

9 Q. Okay. And -- and did Amy bring -- did
10 Ms. Irani bring it to you?

11 A. Yes.

12 Q. Okay. So can you tell me what happened when
13 she -- she came to the restaurant on July 21st, 2020?

14 A. On the -- on this day?

15 Q. Yeah.

16 A. My recollection --

17 I mean, Chad had more conversations with her,
18 but it was more of a showing up, handing this to us, and
19 wanting to put a sign on the door. That's all I
20 remember. Chad was having more conversations with her.

21 Q. Did you talk to her at that time on
22 July 21st, 2020?

23 A. Chad -- I think Chad did most of the
24 conversation.

25 Q. Okay. Were you present for that conversation?

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1 A. I -- I -- yes. I was there, and then he was
2 doing most of the interaction while she was handing us
3 the note and signing it.

4 Q. Okay. What did she say during that
5 interaction?

6 A. I don't have the exact words, but it would be:
7 We have to close the restaurant because you're not
8 following the guidelines.

9 That's basically all I...

10 Q. Okay. So she went over, again, how -- that
11 Tuck's was not in compliance with the guidelines
12 (unintelligible) --

13 (Simultaneous crosstalk.)

14 **THE WITNESS:** Yeah. I mean, it was more of a
15 stand-up, here's the paper, got to put it on the door,
16 standing at the door, kind of -- that's it.

17 (EXHIBIT 4 WAS MARKED FOR IDENTIFICATION.)

18 BY MS. CARLISLE:

19 Q. Okay. And Exhibit 4 is the closure order that
20 was posted --

21 A. **Correct.**

22 Q. -- at that time; correct?

23 A. **Correct.**

24 Q. Okay. So I wanted you to look at Exhibit 3
25 just a little more. If you look at the bottom of the

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1 first page, the second paragraph, at the bottom. It
2 says, [As read] Due to an imminent and substantial
3 health hazard, this establishment is hereby ordered to
4 close and shall be closed until correction is made and
5 this department determines that the violations have been
6 eliminated or corrected.

7 Do you see that?

8 **A. Yes.**

9 Q. Okay. So did you read this letter when you
10 received it on July 21st, 2020?

11 **A. Yes.**

12 Q. And you understood that the county was
13 ordering the restaurant to close until it came into
14 compliance with --

15 (Simultaneous crosstalk.)

16 **THE WITNESS: Yes.**

17 BY MS. CARLISLE:

18 Q. -- the public health orders; right?

19 Okay. And then, the next paragraph says,
20 [As read] In addition to the closure of your
21 establishment, failure to comply --

22 (Reporter clarification.)

23 MS. CARLISLE: Sure.

24 BY MS. CARLISLE:

25 Q. [As read] In addition to the closure of your

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1 establishment, failure to comply with this notice of
2 violation will result in imposition of fines.

3 Do you see that?

4 **A. Correct.**

5 Q. Okay. So you understood, also, when you
6 received this letter, that if Tuck's remained open, it
7 could be fined; correct?

8 **A. Correct.**

9 Q. Okay.

10 And after you received these documents in the
11 time period between July 21st, 2020 and the
12 August 3rd, 2020 meeting, did you have any further
13 interactions with Ms. Irani?

14 **A. I don't recall any.**

15 Q. Did you have any further interactions from --
16 with anybody else from the county?

17 **A. I don't recall any.**

18 Q. And -- and Tuck's did not comply with the --
19 the orders after receiving --

20 (Simultaneous crosstalk.)

21 **THE WITNESS: Correct.**

22 BY MS. CARLISLE:

23 Q. -- this document?

24 And then, after receiving these documents,
25 fines were, in fact, imposed; correct?

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1 the public health orders?

2 A. As best I know, they were not.

3 Q. Okay. Are you claiming that the Notice of
4 Violation and Closure Order that you received on
5 July 21st, 2020, was in any way connected to your
6 opposition to the public health orders in terms of your
7 speech -- your speaking out against the public health
8 orders?

9 A. It -- this -- this was the beginning of an
10 awareness that we weren't aware of things before. We
11 knew there was guidelines and people were following
12 them, but this became a distinct -- a distinctive point
13 for us to say: Why us and not them.

14 It started a suspicion in us that we thought:
15 Something's not right here.

16 Q. Was there anything that --

17 Well, first, let me ask you: When did you --
18 when did you first start opposing the -- the public
19 health orders?

20 A. Right after -- it would -- it came --

21 On July 12th was when we -- because we're good
22 guys. We just follow what goes on. When July 12 hit,
23 Chad and I -- I remember the day we sat in the
24 restaurant and said: Something doesn't smell right here.
25 Something --

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1 It -- it hurt our gut. It just felt like
2 something was off. We, by nature, are not defiant
3 people. So we were saying: What do we do here?

4 So we're -- we're always looking for the best,
5 and we said: You know, it's got a way. This thing's got
6 to work out, somehow.

7 But then, when this came, it did what I didn't
8 want it to do to me, to say: Hmm. Something is going on
9 here because we're not being treated the same.

10 And it's not -- it's against our nature to not
11 want to go part of it. This -- this became, like, it
12 didn't happen here, it happened here, but it happened
13 here.

14 And we -- that's when it started to say: We
15 need to talk about this. Let's get some people together
16 and figure out what's going on.

17 Q. So -- so let's back up for a minute.

18 So July 13th, 2020, was when there was a
19 public health order that was imposed that required
20 restaurants to stop indoor dining; right?

21 A. Uh-huh.

22 Q. And so --

23 A. Yes.

24 Q. -- July 13th, 2020, around that time, was that
25 when you started opposing the public health orders?

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1 A. That was our first turning point to consider
2 what is going on here. It opened your minds to -- we
3 might not be in this altogether. It just caused us to
4 consider what's really happening here. So that's when
5 it -- that's when the flag went up.

6 Q. So that's when you started thinking about
7 whether you supported the public health orders and
8 wanted to continue following them?

9 A. That was the beginning of our research
10 investigation, looking not to what we were being told
11 but -- what's really happening here. And we began to --
12 especially when it says imminent health danger. We --
13 we said: How does it relate to our permit? You know,
14 health. This is different.

15 So we started distinguishing what's happening
16 here. Are we really in imminent health danger? You
17 know, it just brought those questions up.

18 Q. Okay. So when did you first start --
19 expressing your opposition to the public health orders?

20 A. It -- we didn't have a -- let's have a
21 meeting, express opposition. It was a rallying of
22 common folks that were hurting to say: What do we do?

23 And we had the hard cry of people. They came
24 to us: What do we do? What are you going to do? How
25 you going to -- what's happening here? What --

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1 So it was -- it was more of: Let's figure this
2 out together.

3 So our voice came from, basically, a lot of
4 hurting restaurant owners and people that wanted to do
5 something about it -- retail people. And that caused us
6 to just begin to say our thoughts and come together on
7 it. So it wasn't like a -- let's put a public statement
8 to be the together and whatever, so...

9 Q. And this was after July 13th, 2020?

10 A. That's when it all kicked off. It started the
11 momentum at that point. That's when I felt like we got
12 some traction to move.

13 Q. So when did you first start talking to these
14 like-minded people about opposing the public health
15 orders?

16 A. Well, I have a motto: The greater adversity,
17 the greater we get together.

18 So when adversity hit, there were a lot of
19 people with brokenness. What do I do? And -- and
20 foundation for the coalition. What do we do? We need
21 to get together. We need people to talk to. So it
22 grew. That's when it began to build a life of what do
23 we do here? How do we operate because things aren't
24 what they look like?

25 Q. So when did you first start having these

September 06, 2023

1 conversations after July 13th, 2020? How many days
2 afterwards did you first --

3 (Simultaneous crosstalk.)

4 **THE WITNESS: I -- I --**

5 BY MS. CARLISLE:

6 Q. -- start talking to people?

7 A. Seriously, probably what took place, if I
8 remember right. It -- we did that, and then we met with
9 Steve, and then we had our meeting, and we thought we
10 have a lot of people together, and then we -- I don't
11 remember exactly, but right in that timeframe is when,
12 you know, Sergio and Robin and a few of us restaurant
13 owners -- what do we do? We -- or people in town. And
14 that's when we all started sharing. That didn't -- that
15 didn't happen to me. That happened to you. They didn't
16 put a notice, or they -- you know, and it was, like,
17 this is sporadic. It's kind of all over the place. We
18 were trying to get a semblance of what's really
19 happening.

20 Q. Okay. So let me try to -- try to break it up
21 because I'm trying to figure out, sort of, time periods
22 here.

23 So between July 13th, 2020, when there was the
24 public health order that shutdown --

25 (Simultaneous crosstalk.)

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1 THE WITNESS: Right.

2 BY MS. CARLISLE:

3 Q. -- indoor dining again?

4 A. Right.

5 Q. And July 21st, when you got this notice of
6 violation, did you talk to anyone besides Chad about
7 public -- the public health orders?

8 A. We -- I mean, I remember Leore, next door
9 saying, "I didn't get that."

10 I mean, immediately when -- well, you're
11 saying before?

12 Q. Yeah. Between you July 13th --

13 (Simultaneous crosstalk.)

14 THE WITNESS: Oh, I don't --

15 BY MS. CARLISLE:

16 Q. -- 2020 and July 21st, 2020?

17 A. Except, you know: Hey. Are you going to stay
18 open? Are you going to stay open?

19 You know, that kind of thing. It was just
20 that kind of talk, but it -- it wasn't -- yeah, it was
21 just kind of talking about what are you going to do now
22 this that happened.

23 And he said, "Oh, I have outdoor dining. I'm
24 okay," and then, you know, whatever.

25 Q. So did you -- did you send any e-mails or

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1 write any letters to the county about your opposition of
2 the public health orders --

3 (Simultaneous crosstalk.)

4 **THE WITNESS: No. I -- we weren't --**

5 BY MS. CARLISLE:

6 Q. -- between -- let me finish.

7 Sorry.

8 Between July 13th, 2020 and July 21st, 2020?

9 **A. I don't -- I don't recall asking them. I was**
10 **more trying to figure out what was going on. I don't**
11 **recall any -- talking to them at that point about it.**

12 Q. And -- did you communicate with anybody else
13 about your opposition to the public health orders
14 between July 13th, 2020 and July 21st, 2020?

15 **A. Just the common -- just the restaurants of**
16 **what's happening? What's happened? And we talked to**
17 **each other about what are you doing. What's happening?**
18 **That was -- it was just light conversations during that**
19 **time.**

20 Q. Okay. So just sort of trying to figure out
21 what was going on?

22 **A. Yes.**

23 Q. Not specifically opposing the public health
24 orders?

25 **A. Correct.**

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1 Q. Okay. During that time period,
2 July 13th, 2020 to July 21st, 2020, you didn't actively
3 encourage other people to speak out against the public
4 health orders; right?

5 **A. That's correct.**

6 Q. Okay. So after July 21st, 2020 -- well,
7 actually, let me -- let me back up.

8 So you're not claiming the Notice of Violation
9 and Closure Order were in any way related to your
10 speaking out against the public health orders; right?

11 **A. I wasn't -- I wasn't aware of that until after**
12 **the fact. It seemed to be maybe it was. You know, it**
13 **was a -- I recognized that's what was happening.**

14 Q. Well, so how could -- how could this on
15 July 21st, 2020, be connected to your speaking out about
16 the public health orders if you hadn't spoken out about
17 them prior to July 21st, 2020?

18 **A. You talking about to the public?**

19 (Reporter clarification.)

20 MR. BAILEY: Take your hand away from your
21 mouth.

22 (Reporter clarification.)

23 **THE WITNESS: I just said, speaking out to the**
24 **public? Is that --**

25 Q. Yeah.

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1 A. -- what --

2 Q. Because we talked about from -- between
3 July 13th, 2020 and July 21st, 2020. You said you were,
4 you know, talking to other people just trying to figure
5 out what was going on, but you weren't, you know, like,
6 openly expressing opposition to the public health orders
7 or encouraging other people to express opposition to
8 them; right?

9 A. We did amongst ourselves with the -- the
10 restaurants and the people saying: What happened?

11 That -- when they came in and what they did.
12 It was tough. I mean, why would they do this? Why
13 would they come in and get with that?

14 That was the conversations we had amongst our
15 restaurant owners and other retail people that something
16 doesn't seem right in what took place. It just -- the
17 way they went about doing this.

18 Q. Are you talking about after July 21st, 2020,
19 is when you had those conversations?

20 A. I'm talking -- yeah, I'm talking about when
21 Amy came in. Starting then. From that day on was when
22 we started saying: What's going on here?

23 Q. Which --

24 A. From the day she came in.

25 Q. Which day are you talking about?

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1 A. To educate us or talk to us about it with the
2 police officers and the -- the other people around.

3 We were saying: They didn't do that with us.

4 And it -- it just felt overpowering at the
5 time of what's going on here. So we were concerned
6 about what was coming at us, and it -- well, it wasn't
7 with me, and it -- it brought up an awareness. Like,
8 what's happening? Did it happen to you? Did they do
9 this? Did they come after you? Whatever. So --

10 Q. So -- so that was that meeting -- I think you
11 said it was around July 14th or 15th?

12 A. Yeah. It was right after the closure.

13 Q. Okay. So after that meeting, you started
14 talking to other restaurant owners about what was going
15 on in terms of the public health orders and the
16 enforcement of the public health orders; right?

17 A. Uh-huh. Yeah.

18 Q. Did you encourage other people to voice their
19 opposition to the public health orders during that time
20 period before you received this notice of violation?

21 A. Well, we were -- we were in the phase where:
22 Have they come to you yet with all the people? Have
23 they done all that to you? And they: Oh, they're going
24 to show up at your place, and they're going to --

25 So that was the talk was going on. Like,

September 06, 2023

1 what's happening next?

2 Q. Okay.

3 A. And --

4 Q. So it was just -- it was more of just sharing
5 information. It wasn't, you know, actively and openly
6 opposing the public health orders and encouraging the --

7 A. Right.

8 Q. -- people to do so?

9 A. Correct. We were trying to figure it out.

10 Q. Okay.

11 A. Yup.

12 Q. And then, was it after --

13 So I guess what I'm trying to figure out is,
14 if you didn't engage in any open, you know, opposition
15 and encouraging other people to oppose the public health
16 orders before you got this violation -- this notice of
17 violation --

18 A. Correct.

19 Q. -- then the notice of violation couldn't be in
20 retaliatory for speaking out about the public health
21 orders because that didn't occur until afterwards;
22 right?

23 A. When -- it all started when they came in with
24 a group of people that came in, caused us to realize,
25 well, this is how it's being handled. And we recognized

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1 if we do it, other people might follow us. I mean, this
2 is all my -- just my idea. So, you know, you have all
3 kinds of ideas of why -- why would they do it? That was
4 the questions we had to -- we had to deal with. So you
5 go, well, Sergio's been around a long time, so has Old
6 Town, and they're doing it to them and not the little
7 guys. You know, we have all the speculation going on,
8 and that's my opinion.

9 Q. But you understood that -- you understood that
10 the county was enforcing these restrictions because you
11 were in violation --

12 (Simultaneous crosstalk.)

13 **THE WITNESS: Absolutely.**

14 BY MS. CARLISLE:

15 Q. -- with the public health orders?

16 **A. Absolutely.**

17 Q. Okay. And prior to this July 14th or 15th
18 meeting, you hadn't spoken out publicly about your
19 opposition to the public health orders; right?

20 **A. Not that I'm aware of.**

21 Q. Okay. And then, so -- so -- so you're not
22 claiming that the August 14th and 15th meeting or the
23 Notice of Violation and Closure Order on July 21st were
24 connected to your publicly speaking out about the public
25 health orders?

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1 **A. Correct.**

2 Q. Or -- and you're also not claiming that they
3 were -- that these incidents were connected to your
4 encouraging others to oppose the public health orders
5 publicly; right?

6 **A. No. I -- I wasn't aware. It -- it -- it had**
7 **the sense of there, was some strategetic planning being**
8 **done, after-the-fact, thinking: Oh, now I see what they**
9 **were doing.**

10 **It was an after-the-fact of recognizing what**
11 **was happening to us.**

12 Q. But -- but what you're saying is you -- you
13 think that the -- the Notice of Violation and Closure
14 Orders on July 21st, 2020, was -- was connected to your
15 violation of the public health orders?

16 **A. Yeah. It was -- it was in violation. It**
17 **wasn't the violation of the health order. It's the way**
18 **in which it was done.**

19 Q. Okay. But you're not claiming that it was
20 connected to any speech activity that you had done --

21 **A. I --**

22 Q. -- prior to that?

23 **A. I'm not aware of that.**

24 Q. Okay. Okay. So after you received this
25 Notice of Violation and Closure Order on

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1 July 21st, 2020, did you talk to other people about your
2 opposition of the public health orders between that
3 period and this August 3rd, 2020 meeting?

4 A. We probably had some meetings. I think the
5 main thing we were looking at is what do we do? We need
6 to either figure out a strategy, get a lawyer. What
7 direction are we going to go in? Because we couldn't
8 live with the guidelines.

9 Q. Okay. And so these were informal
10 conversations that took place between --

11 A. It was probably the same people. Chad,
12 Sergio's -- you know, it was just -- what do we do?

13 Q. There were no formal meetings that you had?

14 A. No. Not at that time.

15 Q. Okay. Did you write any letters or e-mails to
16 the county expressing your opposition of the public
17 health orders between July 21st, 2020 and
18 August 3rd, 2020?

19 A. No. It was, let's talk about it. Let's get
20 attorney involved and...

21 Q. And did you -- did you encourage other people
22 to write letters and e-mails opposing the public health
23 orders during (unintelligible) --

24 (Simultaneous crosstalk.)

25 THE WITNESS: Not at that time.

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1 Oh, I'm sorry.

2 Not at that time.

3 BY MS. CARLISLE:

4 Q. Did you attend any board of supervisors
5 meetings to express opposition to those restrictions
6 before August 3rd, 2020?

7 A. Before August? I believe I attended some.
8 I -- more after, but I did some.

9 Q. Do you recall when that was?

10 A. I don't know when. Probably when we -- I
11 don't know. I don't remember the dates.

12 Q. Was it after you received the notice of
13 violation?

14 A. I can't recall if we had -- you talking about
15 board of supervisory meetings?

16 Q. Yeah?

17 A. We went to a lot, but I don't remember when we
18 first started.

19 Q. Do you remember when --

20 So when you went to these board of supervisors
21 meetings, did you speak out about the public health
22 orders, about your opposition --

23 A. Yes.

24 Q. -- to the public health orders?

25 Okay. You didn't speak out at every board of

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1 supervisors meetings; right?

2 **A. I tried to.**

3 Q. So I'm trying to figure out when that started.

4 **A. We --**

5 (Simultaneous crosstalk.)

6 BY MS. CARLISLE:

7 Q. You said --

8 **A. We --**

9 Q. Sorry. Let me --

10 So -- because before -- before you started,
11 sort of, thinking about opposing this -- the public
12 health orders, you know, when they -- when the July 13th
13 order came --

14 **A. Correct.**

15 Q. -- did you attend board of supervisors
16 meetings before that point?

17 **A. I don't recall going before I -- because we**
18 **were following everything right up until that**
19 **July timeframe. I don't recall going to a lot before**
20 **that until we were made aware there's a different way to**
21 **go about doing so.**

22 Q. Okay. And do you remember the first board of
23 supervisors meeting you attended?

24 **A. I wish I did.**

25 Q. Okay.

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1 A. I don't recall the exact date.

2 Q. Do you think it was before this
3 August 3rd, 2020, meeting you had or after?

4 A. I believe we were going before that 'cause I
5 remember a group of us met outside and said we need to
6 begin to let them know that maybe there's a better way.
7 I remember standing outside, and I thought it was before
8 that timeframe.

9 Q. Okay. But you're -- you're not sure.

10 A. I don't have the exact date.

11 Q. When was the -- when was the restaurant
12 coalition -- the Nevada County Restaurant Coalition
13 formed?

14 A. It was slowly being put together right around
15 the time of --

16 (External interruption.)

17 THE WITNESS: It was -- as the group was
18 meeting together on what took place, we started
19 formulating a group of restaurant owners and people that
20 had common view, and common opinion, and then how we can
21 go about it consulting with everybody we knew, doctors
22 and lawyers and so on. And so it was probably
23 between -- probably September, August, September.

24 BY MS. CARLISLE:

25 Q. Okay. It was after the August 3rd, 2020

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1 meeting; right?

2 A. Uh-huh.

3 Q. And did the -- was it the Restaurant Coalition
4 that met at Cane's on Wednesdays?

5 A. Yes.

6 Q. Okay. And what -- what is Cane's?

7 A. The restaurant was closed down. The person
8 that owned it was not sure whether to sell it or not.
9 So she had a room in the back -- a conference room. And
10 she said you can meet at our place and that's where we
11 would meet.

12 Q. And when did those meetings start?

13 A. They probably started in -- I'm guessing,
14 September, October. Informal, we probably had a few at
15 Friar Tuck's. We'd get together, and then we wanted --
16 I personally wanted to find out and explore with this
17 going on in other places -- drive to Truckee, go meet
18 with all the restaurant owners, try to figure out if --
19 some would say: No. It didn't happen to me and oh, it
20 happened to me.

21 Whatever.

22 That's when we started saying, why don't we
23 start meeting and start talking and figure out what we
24 want to do?

25 Q. But these formal meetings didn't happen until

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1 Oh, well, let's see, there were a few that
2 were -- there was Lumberjacks and another one. I forgot
3 the guy's name. There was a breakfast place. Many of
4 them were kind of on the fringes talking about it but
5 never really wanting to be actively involved. Some did,
6 some didn't.

7 Q. Okay.

8 A. Everybody was nervous.

9 Q. And -- and what did the coalition do in terms
10 of its opposition to the public health orders?

11 A. The coalition ended out to be -- I mean, not
12 ended out. It became a gathering place at Friar Tuck's
13 every Wednesday.

14 Q. At Friar Tuck's or at Cane's?

15 A. Well, the community came together at Friar
16 Tuck's. The restaurant owners. I would meet with them,
17 but we would -- it became a place where they could voice
18 their hearts and opinions of what was going on because
19 they were rallying around a different way of doing
20 things. We would meet and talk and -- as a restaurant
21 group, and they would come. What are we going to do?
22 Go to the board of supervisors. So it just became kind
23 of a point, you know.

24 Q. So what was the difference between these
25 meetings at Tuck's and the meetings at Cane's?

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1 A. Tuck's -- Tuck's was the --

2 I would say that Tuck's became the vital,
3 vibrant voice over the heart of the community that we
4 tried to share at board of directors meetings where kids
5 would come crying because of what they were being
6 treated at school. The moms crying, saying: My son
7 committed suicide.

8 After we were at the board of directors
9 meetings saying: These kids are going to get killed.
10 Could you do proms?

11 I mean, it was -- it was a heartbeat.
12 Firefighters losing their jobs, and doctors coming in,
13 and lawyers coming in, and a hundred people just -- it
14 was the heartbeat of the community. It was everything
15 we stood for.

16 Q. When did those meetings start?

17 A. We probably started those -- November.
18 Probably around the time we did the lawsuit where people
19 recognized: Hey, there's a place I can be alive.
20 There's a place I can come to.

21 And we just became a -- a watering hole for
22 what was happening and -- and doing our best to let the
23 community know.

24 Q. So those -- those were sort of more community
25 meetings, and then the meetings at Cane's were

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1 specifically with the restaurant coalition?

2 A. Yeah. The restaurant coalition would be more
3 like: Hey, what's happening? Did you get a --you know,
4 they say anything or (unintelligible). Hey, they gave
5 me a fine. They did this.

6 Whatever it is. It was more of a sharing of:
7 What do we do? Oh, they came to our restaurant last
8 week, and they were doing this to me.

9 You know, it was that -- those kind of
10 sessions as a group.

11 And then, I just -- because I just happen to
12 be who I was, they -- I kind of helped rally that spirit
13 as, you know, we might get into it as we
14 (unintelligible) --

15 Dan Miller supervisor saying: Ken, can you
16 settle everything down for us? Everything is going
17 crazy here.

18 You know, I mean, it's --

19 Q. So let's -- so let's go back because I want to
20 understand more about what the coalition did.

21 So there were these meetings at Cane's that
22 occurred every Wednesday; right?

23 A. That's kind of (unintelligible) -- yeah.

24 Q. And -- and was that -- and so you just got
25 sort of what was going on with the restaurants --

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1 A. Yeah.

2 Q. -- that were involved; right?

3 A. Uh-huh. Yes.

4 Q. And did you -- did you discuss how -- did you
5 discuss publicly opposing the public health orders?

6 A. Yes. I mean, we were -- we were there because
7 of the adversity of nobody would listen to us. And --
8 yeah.

9 Q. And how -- how did the coalition express its
10 opposition of the public health orders?

11 A. Well, the --

12 I mean, a lot of things that were said and
13 done in those meetings, I became the one that would try
14 to simulate it and some -- make some sense of it and how
15 to present it to the community -- to the board of
16 directors by getting health people involved legally so
17 that they could have articulate communication to the
18 community. Bring your research, bring your back up,
19 bring your doctors, trying to meet with the health --
20 trying to meet with the people in town personally.

21 So I would try to do that and then bring back
22 what I found out, you know, to those meetings.

23 Q. So you would go to board of supervisors
24 meetings and express the sentiment of the coalition at
25 those meetings?

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1 A. Yes. They knew we had a -- we -- I never went
2 and said, "We the coalition..."

3 We didn't do it that way. It was more -- I
4 just became more of a voice or a mouthpiece for -- for
5 the group of people and what it represented in the
6 community. So I would just gather what's going on and
7 try to take it to the supervisors.

8 Q. Okay. Was there anyone else at the coalition
9 who attended the board of supervisors with you?

10 A. Most all those people. Yeah.

11 Q. Did they also speak out at those meetings?

12 A. Yes.

13 Q. Okay. And did the members of the coalition
14 write e-mails or letters to people at the county?

15 A. I'm sure they did. Yeah.

16 Q. -- town?

17 Did you encourage them to write e-mails or
18 letters?

19 A. We never had any formal "how you do this," but
20 it would be more, you know --

21 Lena would say: I went over there. Tried to
22 speak to someone and (unintelligible) --

23 It wasn't -- it was more organic of just
24 flowing and happening rather than a structured approach
25 of, this is what we need to --

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1 The most structure came when we had talented
2 nurses and doctors, said: I want to go talk to the
3 supervisors.

4 And they would educate us. What's happening,
5 and they're going to go, and they're going to speak. So
6 we tried to get qualified people to communicate
7 intelligently in the direction of why we're -- we're
8 trying to find some reason in it, but it wasn't a --
9 let's write a bunch of letters, you know, let's get an
10 e-mail thing going on it --

11 Q. Okay.

12 A. -- it just happened.

13 Q. When did you work to get these nurses or
14 doctors to assist you in speaking out?

15 A. What happened is one of the beginning --

16 When we first met, they would all be there at
17 the meetings, and that's how we started to connect of a,
18 you know: I've been a doctor for 23 years. I work in
19 town and --

20 Or a lawyer or whoever it was. They would
21 come in and -- so we -- we made relationships there, and
22 from there, we found out education was a big one.
23 People working in the field with children. And they
24 would have expertise, and that's why the Wednesday
25 meeting, they would educate the groups of people on

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1 what's happening and how can we structurally say
2 something that makes sense to them. So it was just
3 organic.

4 Q. Okay. When was the first time you worked with
5 one of those doctors or nurses to come to the board of
6 supervisors with you?

7 A. It was -- it was probably in November. I'm
8 guessing.

9 Q. Okay. And then, these meetings that you had
10 at Tuck's with community members, starting in November,
11 did you discuss writing letters or e-mails to county
12 officials about your opposition to the public health
13 orders?

14 A. Most of the meetings were people encouraging
15 other people what they could do to make a difference
16 to --

17 Some kids at school, their parents, they
18 started their own pockets in groups of parents meeting
19 together -- community members. So it -- it was -- they
20 would break out in sessions. We would have people that
21 were affected in the business community, school
22 community, hospital. And they would meet together, and
23 they would talk about what can we do to put our data
24 together and influence the county.

25 So it was -- they were kind of doing their own

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1 thing. We didn't -- we didn't have some organized let's
2 all -- except show up at the board of supervisors
3 meeting. We didn't have any letter-writing campaigns or
4 any of that stuff.

5 Q. Okay. Did you encourage people to write
6 letters and e-mails to county officials then?

7 A. We always said to speak what it is. What's in
8 your heart? Say what's true and let them know, but
9 we -- what we're really trying to coach them on is,
10 don't just blab. Say something that makes sense. You
11 got to be reasonable. You have to have facts whenever
12 you're talking.

13 Q. Okay. Is there anything else the coalition
14 did to express its opposition to the public health
15 order?

16 A. What we -- we started putting teams together
17 for elections, you know, who wanted to run for office.
18 We said if they are not hearing and listening, we need
19 to get elect -- officials that can. So we tried to
20 determine how we can go about influencing the community
21 inside-out, growing our own people, our own community.
22 So we did a lot of -- a lot of that kind of discussion
23 to see, given what we have, how can it change.

24 Q. And during that period of time, in the fall or
25 I guess after the August third meeting, were you

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1 personally involved in writing letters or -- or e-mails
2 to county officials?

3 A. Oh, I would -- I would send them letters all
4 the -- I would try to send them something I was going to
5 talk about, or I try to get it so it's on the record and
6 most of it is and then try to say it in three minutes,
7 you know when you stand there and talk to them. So I
8 would try to give them -- I met with three different
9 supervisors, three different counties, each one has told
10 me what they're doing in their counties. I'm presenting
11 to you an option. Met with a medical director in Placer
12 County, and this is what they're doing -- we're
13 recommending. So I tried my best to put it in writing
14 so they would have it so they'd hear what I am trying to
15 say. And I'd try to get a consolidated view of what
16 people were saying. So I wasn't just shooting off the
17 hip.

18 Q. Okay. And how long did you continue sending
19 these -- these letters or e-mails and then attending
20 board of supervisors meetings to oppose the -- the
21 public health orders?

22 A. I -- I believe I did it all the way through
23 the whole next year. At least, in fact, our Wednesday
24 meetings only recently ended, probably at the end of
25 last year. Because -- I mean, it was -- it was just so

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1 long. I think people started to get tired, but we -- we
2 were meeting right up -- yeah, right up through the end
3 of last year. And we'd have 30 to 50 people every
4 Wednesday. We had hundreds in the beginning. But we
5 continued the heart cry of what needs to happen in
6 education and health and so on.

7 Q. Did you continue the community meetings at
8 Tuck's as well?

9 A. Well, that -- I'm sorry. That's what I meant.
10 The --

11 Q. Okay.

12 A. -- Wednesday meetings. The -- the --

13 (Simultaneous crosstalk.)

14 BY MS. CARLISLE:

15 Q. At Tuck's?

16 A. At Tuck's. That's what I'm talking about.
17 The restaurant -- the coalition moved more strongly in
18 trying to find elected officials through the last
19 election cycle. And then it kind of paused, you know,
20 on where do we go from here? Let's look at the next
21 election. So it moved into more of a political: how can
22 we change what's happening here through our government?

23 Q. Okay. And when was that switch or move to
24 being more political?

25 A. Well, as we were -- we were moving pretty

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1 strongly with going to the board of supervisors, and we
2 continued to do that, but internally, somebody said:
3 Hey, I'd like to run for this, and I'd like to run for
4 this.

5 So our meetings were more of you give a speech
6 or, you know, whatever it is. We had, you know, Kevin
7 and Kyle (ph) would come and talk. We have
8 (unintelligible) -- come and talk. We have director of
9 public health in Placer County come and talk. The
10 police in Shasta County come -- supervise it. So
11 everybody was being educated throughout the whole
12 process of: It's not what you see. There could be a
13 different way of doing it.

14 Head of public schools in Sacramento -- I
15 mean, different people would come and talk. And then,
16 as it got toward election, they said: Why don't we elect
17 somebody for the school? Why don't we --

18 So we turned into forums, so families that
19 wanted to run for school boards and [sic] --

20 But it was all built around policy of let's do
21 it different, so...

22 Q. And -- and when did that happen? Was that
23 in 2021?

24 A. That happened right up -- yeah, right up
25 through 2021.

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1 **A.** Although Greg was very much a part of
2 everything we were doing.

3 Q. He was an attorney for -- for someone
4 (unintelligible) --

5 (Simultaneous crosstalk.)

6 **THE WITNESS:** Yes, but he was also at every
7 Wednesday meeting, every board of supervisors meeting.
8 **Yeah.**

9 BY MS. CARLISLE:

10 Q. But you never retained him for --

11 **A.** **No.**

12 Q. -- for Tuck's?

13 **A.** **Correct.**

14 Q. Okay. I want to hand you another exhibit.

15 (EXHIBIT 5 WAS MARKED FOR IDENTIFICATION.)

16 (Reporter clarification.)

17 BY MS. CARLISLE:

18 Q. Okay. So this is an e-mail chain between
19 Amy Irani and you.

20 **A.** **Uh-huh.**

21 Q. And the first e-mail, on the first page, is
22 dated August 4th, 2020, but if you go down on the bottom
23 of the second page, there's another e-mail from
24 Amy Irani to you on July 29th, 2020; right?

25 **A.** **I see it.**

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1 Q. Okay. Do you recognize this e-mail?

2 A. Yes.

3 Q. Okay. You received this e-mail from Ms. Irani
4 on July 29th, 2020?

5 A. Yes.

6 Q. Okay. So let's take a quick look at what this
7 e-mail says. So in the -- in the second paragraph, it
8 says, [As read] I am very grateful that you reached out,
9 both you and Chad. And we are here to help you through
10 all the necessary steps to get you operational.

11 Right?

12 A. Correct.

13 Q. Okay. So -- so does that refresh your
14 recollection as to whether you had communicated with --
15 with individuals from the county between July 21st, 2020
16 and August 3rd, 2020?

17 A. Yes. I mean, we got this.

18 Q. Okay. So had you reached out? You and Chad,
19 had you reached out to Ms. Irani to discuss the -- the
20 permit suspension and the -- and the fines that were
21 imposed on Tuck's?

22 A. If I recall, it was just so we could -- so we
23 could set up a meeting.

24 Q. Okay. So did you -- did you send an e-mail to
25 Ms. Irani asking for a meeting or --

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1 A. Probably. I don't recall.

2 Q. Okay. But you did speak to her about ask --
3 you asked to set up a meeting?

4 A. It says: appears we lost the connection as --
5 I guess so. Well, yeah.

6 Q. Okay. Do you remember speaking to her and
7 asking her to set up a meeting?

8 A. I don't -- I don't remember what -- what we
9 talked about.

10 Q. Did you ask to set up a meeting with the
11 county to discuss your fines and permit suspension?

12 A. Well, whatever --

13 Probably we did after we got Steve to tell us,
14 you know, what to do, but I don't recall what the
15 conversation was about.

16 Q. Okay. Well, from this e-mail, it appears that
17 she's discussing helping you through necessary steps to
18 get you operational; right?

19 A. Correct.

20 Q. Okay.

21 A. Because July 29th is when we -- I would say it
22 was August -- yeah, July 29th was a time when we decided
23 to regroup, talk to Steve, figure out what we wanted to
24 do. So apparently, we either e-mailed or called or
25 something or -- I know we had a -- Steve wrote a letter

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1 to them saying I'm going to represent, so...

2 Q. Okay. You also spoke to Ms. Irani. Do you --
3 you recall speaking to her at (unintelligible) --

4 (Simultaneous crosstalk.)

5 THE WITNESS: I don't -- I don't even remember
6 it. Nope.

7 That could have been when I was driving in the
8 car or something. I don't know.

9 BY MS. CARLISLE:

10 Q. Okay. Okay.

11 Now, after the sentence we just looked at, it
12 says, [As read] We will just need a couple of items or
13 actions to take place.

14 And it has a list of things here, which
15 include cease all of the dine-in operations, create a
16 plan to place tables out of service --

17 A. Right.

18 Q. -- you can still have a waiting area for to-go
19 orders.

20 A. Uh-huh.

21 Q. But please be sure that the area stations its
22 seats at 6 feet apart. And then, please write up a plan
23 on what will be your operations and move forward --

24 A. Uh-huh.

25 Q. With regard to delivery and the -- the dine-in

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1 operations will be prohibited; right?

2 **A. Right.**

3 Q. And then it says, [As read] Once you have all
4 these mechanisms in place, we will need to resolve the
5 penalty fines that are currently assessed.

6 **A. Uh-huh.**

7 Q. And it says, [As read] Having completed
8 everything, then, we can move towards reinstalling your
9 operational permit?

10 **A. Right.**

11 Q. Do you recall receiving this e-mail and -- and
12 reading through this?

13 **A. Yes. I recall receiving.**

14 Q. So in this e-mail, Ms. Irani is stating that
15 the county would help Tuck's with going through the
16 necessary steps in --

17 (Simultaneous crosstalk.)

18 **THE WITNESS: Yes.**

19 BY MS. CARLISLE:

20 Q. -- order to --

21 **A. Yes.**

22 Q. -- get it back up operational; right?

23 Okay. And -- and it describes certain things
24 that Tuck's needs to do in order to comply with the
25 public health orders; right?

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1 **A. Correct.**

2 Q. And then it says, that [As read] Once all of
3 this is completed, the county can move toward
4 reinstating the permits.

5 Right?

6 And -- and addressing the fines?

7 Yes?

8 **A. Yes.**

9 Q. Okay. And it doesn't mention any -- any sort
10 of opposition that Tuck's had been involved in with
11 regard to the public health orders?

12 **A. Correct.**

13 Q. So the county agreed to meet with you on
14 August 3rd to talk about reducing the fines and -- and
15 the permit suspension?

16 **A. Correct.**

17 Q. Okay. And just to be clear, do you recall how
18 this meeting was set up?

19 **A. I believe Steve set it up. Our attorney set**
20 **it up -- and time and place -- show up. I -- I believe**
21 **that's what it was.**

22 Q. Okay. And so do you recall what time, on
23 August 3rd, 2020, the meeting occurred?

24 **A. That's -- I don't know. 1:00 o'clock. I**
25 **don't remember.**

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1 Q. Okay.

2 A. Yeah.

3 Q. Okay. And where was the meeting held?

4 A. It was held in the county office. Yeah.

5 Q. Okay. You don't remember (unintelligible) --

6 (Simultaneous crosstalk.)

7 THE WITNESS: It was -- upstairs. I remember,
8 like, center, up, to the right. I don't remember which
9 office.

10 BY MS. CARLISLE:

11 Q. Okay. And who was in attendance at this
12 meeting?

13 A. Chad -- Chad and I, Robin and Lisa, Steve,
14 Kit, Amy and I -- Donna, I think, my wife was there.
15 Yeah.

16 Q. Okay. And "Kit" -- you're referring to
17 Kit Elliott?

18 A. Yeah.

19 Q. Okay. Now, at that meeting, the
20 representatives of the county discussed what the
21 requirements were with regard to the public health
22 orders at the time; correct?

23 A. Correct.

24 Q. And they discuss the importance of complying
25 with the orders?

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1 **A. Yes.**

2 Q. Okay. And they discussed also how Tuck's
3 was -- was not currently in --

4 **A. Yes.**

5 Q. -- compliance with the order?
6 And did they review a compliance plan for
7 Tuck's?

8 **A. I believe it was spoken about but then later
9 given to us more like in writing, but yeah.**

10 Q. Okay. But there was some conversation about a
11 plan as to how Tuck's could --

12 **A. Yeah.**

13 Q. -- come into compliance?

14 **A. Yeah.**

15 Q. Okay. Was it similar to what we just looked
16 at --

17 **A. Yeah.**

18 Q. -- in that e-mail?

19 **A. Yeah. If I recall, it would be the same.**

20 Q. Okay. Okay.

21 (Reporter instruction.)

22 BY MS. CARLISLE:

23 Q. And the county representatives informed you
24 that Tuck's would need to comply with -- with the public
25 health orders in order for the fines to be reduced;

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1 right?

2 **A. Yes.**

3 Q. And they informed you that Tuck's would need
4 to come in compliance with the public health orders in
5 order for its permit to be reinstated; right?

6 **A. Correct.**

7 Q. Okay.

8 Now, at that meeting, the county
9 representatives did not tell you to stop opposing the
10 public health orders; right?

11 **A. Yes. They did.**

12 Q. What did -- what are -- what do you believe
13 they said?

14 **A. They said to us that if we -- if we get in
15 line, stop making a lot of noise and writing letters,
16 and just stop doing what we were doing, then everything
17 would be fine.**

18 Q. What specifically did they say?

19 **A. Well, it was -- it was --**

20 **I don't remember the exact words, but it was
21 along the line of all things we were doing is, talking
22 to the public, staying open, expressing different views
23 than what they had, which we told them our views.**

24 **And they said, you know: Those things can't
25 happen. You can't do that.**

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1 Q. Okay. Do you recall exactly what that
2 statement was?

3 A. I don't have the exact wording.

4 Q. Okay. In that statement, was there any
5 explicit reference to any sort of speaking out about the
6 public health orders?

7 A. Writing letters and e-mails and it was, again,
8 it came -- from what took place before at the meeting --
9 the first meeting with -- had Amy and then it came in --
10 it -- it was more vocal to stop what's happening --
11 implicit was explicit at the meeting. It was more stop
12 doing what you're doing.

13 Q. When you say "the first meeting" with Amy,
14 what meeting are you (unintelligible) --

15 (Simultaneous crosstalk.)

16 THE WITNESS: Amy was, you know, five people
17 standing over your head saying: You need to follow
18 these orders here.

19 Nobody said what she said: Stop doing that.

20 No, they were saying it without voices. She
21 said it with a voice.

22 BY MS. CARLISLE:

23 Q. Okay. So I want to be clear. So we talked
24 about this -- the August 14th or 15th meeting when
25 Ms. Irani came to the restaurant with the people from

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1 ABC and --

2 **A. Right.**

3 Q. -- the city; right?

4 And at that time, you know, we discussed how
5 Ms. Irani discussed compliance with the public health
6 orders; right?

7 **A. Right.**

8 Q. And there was nothing that was said about any,
9 sort of, speaking out about the public health orders?

10 **A. She didn't say that.**

11 Q. She did not?

12 **A. Right.**

13 Q. Right. At the August 3rd meeting, was there
14 any explicit statement that you need to stop speaking
15 out about the public health orders?

16 **A. Yeah. We were getting a lot of complaints.**
17 **We were getting letters written to us. We have to stop**
18 **all of that happening. You -- we need to end all of**
19 **that that is going on, so that permits -- I mean, she**
20 **didn't say -- I don't remember her saying "and the**
21 **permit at stake," but you need to end all of that. You**
22 **need to stop that.**

23 Q. There wasn't a -- you're saying there was an
24 explicit statement that something to the effect of "you
25 need to stop all of that"?

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1 A. Well, I mean, the complaints were about our
2 behavior. About, you know, what we were doing. They,
3 you know, we were -- we were objecting to the manner in
4 which they were doing it. We were -- we were vocal
5 about that. We let people know that all e-mails and the
6 communication where we don't agree with what's happening
7 and we -- we are staying open. We're going to try to
8 follow guidelines. Everybody has a choice.

9 So our messaging was totally different than
10 that. So when they hear complaints, yeah, it could -- I
11 mean, it's obvious, if you're open when you're supposed
12 to be closed, but the opposition of our advocacy and
13 direction we were going was totally different direction
14 than the county was going.

15 Q. Okay?

16 A. So they didn't like our stance and our
17 position of what we were taking. So they said: Stop
18 that. Do this.

19 I mean, that's basically what we did.

20 Q. Okay. When we talked before, you had said
21 that it wasn't much letter writing or e-mail
22 communication, if any, that occurred prior to the
23 August 3rd meeting; right?

24 A. There -- there wasn't much the -- the only
25 thing that was going on was my -- okay, when the -- when

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1 it came May 8th -- reopen in stages, between May and
2 that period of time, I hadn't been going to Glad Tidings
3 Church, you know where...

4 And everybody was concerned about what was
5 happening in the community, and I spoke at many of those
6 meetings. And -- and we also had quite a few groups of
7 freedom groups, you know, growing in the community. And
8 all of those groups were -- coming to those meetings,
9 listening to what I was saying to what's happening, and
10 what are you doing.

11 And the only communication I was -- I was in
12 front of a few hundred people, and I was saying: You
13 need to make sure that we are standing up for what we
14 believe and what we believe is true. And you need to --

15 They were -- Glad Tidings and a group of them
16 were all bombarding supervisor offices. In fact, some
17 of the ladies in the church were in Nevada County that
18 we were associated with. And they had a whole lot of
19 activity going on with a lot of people doing stuff.
20 They very -- they were much more active than we were at
21 the time telling people somethings wrong here, we have
22 to change it.

23 I wasn't spearheading it at the time. They
24 were kind of, like, running the show. We need to do
25 this. We need to be at board of supervisors meeting.

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1 And they -- we were part of that movement that they
2 knew, oh they're -- they're over here, they're doing
3 something different.

4 So we had that reputation of we're not
5 following. We weren't a follower of the guidelines, so
6 we had that reputation right into the whole thing.

7 Q. When was -- when were you participating or
8 speaking at these -- at Glad Tidings?

9 A. Starting right after we opened up in stages.

10 Q. Okay. Because I thought you said before that
11 you didn't really start --

12 (Simultaneous crosstalk.)

13 THE WITNESS: I wasn't --

14 BY MS. CARLISLE:

15 Q. -- opposing --

16 A. -- active. I didn't -- I didn't have a group
17 together. But I had -- they were asking me to speak at
18 different groups and organizations that were going on.

19 So I wasn't there saying, "Write letters, go
20 to board of supervisors."

21 But they were taking, what I was saying,
22 stimulating -- well, let's go do this, let's go do that,
23 let's go do this. And so I was in it associated with
24 going in a different direction. People from
25 Shasta County would call and say: Oh, you're -- what are

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1 you doing and what's happening?

2 And so we were in the process of doing it, but
3 there was a lot of activity around us associating. We
4 weren't the leader, but we were in it. We were in that
5 movement.

6 Q. There were some people who were opposing the
7 public health orders starting in May 2020.

8 A. Yeah. Well -- yeah. After we opened up in
9 stages, it was still, what's going on here? Because
10 they were beginning to wonder, you know, what's
11 happening.

12 And that's when we started asking a lot of
13 questions and -- I mean, everybody knew from the very
14 beginning that when it went in that direction, they knew
15 specifically we didn't agree with what was going on.

16 We weren't extremely vocal about it, but we
17 had groups of people we talked about and say: What do
18 we do?

19 You say: You have to stand strong. You have
20 to have your own opinion and do all of that.

21 It wasn't, comply.

22 Q. Okay.

23 A. It never -- our intention from the very
24 beginning was -- oh -- the only reason is we don't want
25 to be bad to the community. But we were -- people knew

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1 what we stood for.

2 Q. Okay. So I am going to ask you to limit your
3 responses to what my question is because I'm getting a
4 lot of -- a lot of talking that's not just answering --

5 A. Okay.

6 Q. -- my question. And otherwise, we're -- we're
7 going to be here --

8 A. Okay.

9 Q. -- for -- for a long time.

10 A. I'm with you.

11 Q. Okay. So I'm trying -- I'm trying to figure
12 out the timeline here.

13 So -- so beginning in May, there were some
14 people in the community who were opposing public health
15 orders; right?

16 A. Absolutely.

17 Q. Okay.

18 A. Absolutely.

19 Q. Okay. And I -- I thought when we were talking
20 before, you had said that you didn't really start
21 opposing the public health orders until after that
22 July 13th, 2020 order.

23 A. My reference to that is taking a leadership
24 role in doing it. I was in it. I'm normally -- what I
25 normally do is I lead the charge of what's happening. I

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1 was involved in a lot of the freedom groups and meeting
2 with people and doing that. I wasn't personally leading
3 the group, but I was in it. I was associated with the
4 opposition -- we don't follow health orders.

5 Q. When did you start being associated with the
6 opposition of the public health orders?

7 A. May 8th.

8 Q. Okay. And what specifically did you do during
9 the time period of May 8th, 2020 to July 13th, 2020?

10 A. We started investigating, looking at issues,
11 and talking to, you know, the people that we needed to
12 get educated -- what's -- what is this, what's
13 happening, why is there a lockdown, why -- why are they
14 doing this, what's happening?

15 So that's where we started gathering research
16 and then paved that -- we became a focal point because
17 we were a restaurant, big-name restaurant. And they
18 weren't in line with what's going on, so people would
19 ask a lot of opinions.

20 The union asked us some questions about what's
21 going on and took it all out of, you know, perspective,
22 and I mean, we --

23 Q. So -- so I am going to -- going to stop you.
24 So I'm -- I'm trying to figure out when these different
25 things occurred.

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1 So when did you first publicly speak out
2 against the public health orders?

3 A. Probably day one. I mean, I -- anybody asked
4 me, I'd tell them. And we have hundreds of people
5 coming to our restaurant.

6 "How come you're staying open?"

7 Because we don't agree with anything that's
8 going on here." We did it from day one.

9 Q. Well, so, May 8th, 2020, restaurants were
10 allowed to be open; right?

11 A. Right. But we didn't -- we didn't agree with
12 any of it that was going on. So we -- would people --
13 you know, you -- you get people going: Are you doing the
14 stages? Yeah. We are doing what we can do, but we
15 don't agree with any of it.

16 I mean, everybody knew our position and our
17 stance from day one.

18 Q. Okay. So you were -- you were expressing
19 your -- your disagreement with the public health orders
20 during -- starting on May 8th, 2020, to people who came
21 into the restaurant?

22 A. Yeah. I mean, we didn't have any formal
23 groups. There were other people doing it big time, you
24 know, whatever they were doing.

25 But everybody knew our position. I mean, our

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1 employees knew it. I mean, when they started to come
2 back on 8th, we had employees saying: We don't agree
3 with one thing that's going on here. But we're going to
4 do the best we can.

5 I mean, that was -- that was our first meeting
6 back after May 8th is, what position are we going to
7 take. So as far as who we are, and what we stood for,
8 it was -- we weren't bad guys, it just they just knew
9 that's who we were.

10 Q. Okay. So who -- who are saying, knew who you
11 were?

12 A. Chad and I.

13 Q. But you're saying -- various patrons of the
14 restaurant understood your position because they spoke
15 to you about it?

16 A. Uh-huh. Sure.

17 Q. Okay. Now, these times when you mentioned
18 when you spoke at Glad Tidings Church, when was the
19 first time that you did that? When was that?

20 A. It had to be somewhere -- somewhere in May
21 because we asked me to speak. He said -- he said -- I
22 don't remember, sometime in May. I did it a few times.

23 And there --

24 Q. How many times?

25 A. Probably two or three times. And then these

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1 groups, the freedom groups and different groups that got
2 together, they would ask me to come and talk about it.
3 Because they wanted somebody to have a different -- they
4 didn't like what was going on, and I was -- I was vocal.
5 And I said he owns a restaurant. So I became --

6 Q. When...

7 A. -- a centerpiece.

8 Q. When did those new meetings occur?

9 A. They were -- they were scattered out. They --
10 starting in -- starting in May all the way -- all the
11 way -- there were different meetings, different times, I
12 don't remember all the details.

13 Q. Okay. Do you remember what groups these were?

14 A. There's one in Truckee and Nicole -- what was
15 her name? She came and asked me to speak to a bunch of
16 restaurant owners. I forgot her name, the bee -- the
17 beehive, Nicki Flores, I think is her name.

18 Yeah. I came and spoke she said, "Could you
19 come and talk to a bunch of restaurant owners that are
20 nervous and scared?"

21 I did that one and then Glad Tidings --

22 I don't know. Three or four different ones.

23 I don't have all the dates.

24 Q. And you don't remember when -- when those
25 meetings were?

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1 Q. Now, before this meeting, you didn't
2 specifically encourage people in the community to write
3 letters and e-mails to the county opposing the public
4 health orders; right?

5 A. I -- there were a lot of people that were
6 involved in doing that. I wasn't actively spearheading
7 that.

8 I -- I was very much involved in letting them
9 know I agree. Yeah, I said, "I'm doing this," you know,
10 "I'm letting people know, I'm talking to people."

11 But we didn't have a consolidated group of
12 people that said: Oh, let's just write a bunch of
13 letters and do that.

14 I wasn't aware of that, so -- it was
15 happening.

16 Q. Okay. So -- so you were never telling people
17 or encouraging people to write letters complaining about
18 the public health orders before that -- before that --

19 A. I mean --

20 Q. -- before the August 3rd meeting?

21 A. I -- I wouldn't do it publicly in meetings. I
22 would let people know that you know, you need to let
23 people know -- write letter -- I mean I -- patrons, you
24 know, people.

25 I would express to people a lot, you know,

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1 this is what I'm doing. I encourage you to do this or
2 that. But it wasn't like the coalition where we would
3 get together and say: Let's all do this together.

4 Even my employees say: Yeah. What can we do?

5 We say: Well, you need to tell the public.

6 You need to tell the supervisors.

7 You know, people -- people ask me a lot, you
8 know, what do you do? Well, there's only a few things
9 you can do. You need to go to school officials. You
10 need to go -- these are the things you can do in order
11 to make -- you know, put an end to this because I'm just
12 one guy trying to do what I do.

13 Q. Okay. So these were more casual
14 conversations?

15 A. Yeah.

16 Q. Okay. You weren't making some sort of
17 concerted effort to get people to write letters and
18 e-mails opposing the public health orders?

19 A. We -- we hit it pretty hard starting --
20 probably toward the beginning of July. You know, right
21 in that timeframe. Right in -- right before it all
22 happened. We started building consensus. What's
23 happening? What do we want to do? And I don't -- I
24 don't recall all the meetings we had or how many we had
25 (unintelligible.)

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1 Q. I thought you said the meetings didn't really
2 occur until after the August 3rd meeting.

3 A. Yeah. A lot -- the formal -- when we actually
4 got together with the coalition to form a coalition,
5 that came after.

6 Q. Okay. So what are these meetings you're
7 referring to?

8 A. It was -- we would meet at --

9 We had 20 people meet at Tuck's. What's going
10 on here? What do you want to do? And, you know, those
11 kind of -- it was just informal, sitting, and talking
12 about something is wrong here. We shouldn't be, you
13 know -- this is going on. It was -- it was going on
14 throughout the whole time, but it wasn't --

15 I'm used to getting 50 people in the room, a
16 hundred people in the room. This is what we do. But it
17 was just the consensus of we got to do something here.

18 So there were people -- these other freedom
19 groups they -- we'd meet with them, they'd have people
20 go out, write letters, board of supervisors and, you
21 know, we were part of that. I wasn't leading it, but we
22 were part of that.

23 Q. What do you mean by having 20 people in Tuck's
24 and -- and meeting?

25 A. We had people call us and say: Hey, can we get

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1 together and talk? We got to figure out what's
2 happening here.

3 And then, we'd just meet -- meet in the
4 morning at 9:00 o'clock and sit around and talk.

5 Q. Who were the people that were contacting you
6 and asking to (unintelligible) --

7 (Simultaneous crosstalk.)

8 **THE WITNESS: Customers. People in the**
9 **community, other business owners.**

10 (Reporter request.)

11 MS. CARLISLE: Okay. Let's just go for a
12 couple of more minutes and then we'll take a lunch
13 break.

14 MR. BAILEY: Yeah, sorry.

15 MS. CARLISLE: Yeah.

16 BY MS. CARLISLE:

17 Q. Okay. So these meetings where people would
18 call and ask to meet, when did that start happening?

19 A. It was so sporadic and so many. I don't know.

20 I mean, you -- you have to understand, it was
21 people very stressed out. You know, what do we do?

22 So you meet with somebody and go: Hey, can we
23 get together and talk about this?

24 So they'd get, you know, family members or
25 business owners, and they would come together and go:

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1 What are we doing? How we -- what -- what are you going
2 to do about this? The pressure is coming. We're having
3 to do things we don't want to do. Why are you in
4 shutdown? What --

5 You know, so we would get together. I don't
6 know, 10 people. One day have breakfast; another day
7 (unintelligible). I don't know. Just talking.

8 Q. But you don't recall when that started?

9 A. I don't remember. It was somewhere --

10 I mean, starting after May 8th is when we
11 started talking about what's going on here? What's
12 happening here? And then, so it just started a
13 groundswell, and it just got bigger, and bigger, and
14 bigger as it moved forward.

15 Q. Okay. Okay. Going back to the statement that
16 was made at the August 3rd meeting about the letters,
17 and e-mails, and are complaints.

18 You don't know whether that was referring to
19 people complaining about Tuck's remaining open or not
20 following the orders versus letters and e-mails that
21 people were -- that the county was receiving from people
22 complaining about the public health orders; right?

23 A. I -- I don't -- I just knew they said there
24 was a lot of noise and you need to stop doing what
25 you're doing.

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1 Q. Okay. And this e-mail says that the visit is
2 to review your -- your compliance. It's talking about
3 your compliance with the public health orders; right?

4 **A. Correct.**

5 Q. Okay. And it doesn't mention anything about
6 your opposition to the public health orders; right?

7 **A. Right. Correct.**

8 Q. Let's look back at, I believe, is Exhibit 5.
9 Yeah. Well, the -- the one right beneath the one we
10 did. Is that five?

11 **A. That's five.**

12 Q. Okay. All right. So the -- we previously
13 looked at the e-mail that was at the bottom of page 2
14 and onto page 3. I want to look at the e-mail on the
15 first page now, which is -- actually -- sorry.

16 The bottom of the first page, going on to the
17 second page, is an e-mail that you sent to the Ms. Irani
18 on August 3rd; right?

19 **A. This one? Five?**

20 Q. The -- the one at the bottom of the first
21 page. There's a -- the beginning of an e-mail.

22 MR. BAILEY: Here.

23 **THE WITNESS: Oh, right here?**

24 MR. BAILEY: Going down.

25 **THE WITNESS: Oh, going down? To this side?**

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1 **Okay.**

2 BY MS. CARLISLE:

3 Q. So this is an e-mail that you had sent to
4 Ms. Irani other than August 3rd, 2020; right?

5 **A. Oh, here? Yeah.**

6 MR. BAILEY: No.

7 **THE WITNESS: Oh, here? Okay.**

8 MR. BAILEY: I'm sorry.

9 MS. CARLISLE: That's okay.

10 **THE WITNESS: Okay.**

11 BY MS. CARLISLE:

12 Q. Do you recall sending this e-mail to
13 Ms. Irani?

14 **A. Yes.**

15 Q. Okay. And -- and this was after the meeting
16 on August 3rd; right?

17 **A. Yes.**

18 Q. Okay. And in this e-mail, you are describing
19 some of the -- the mitigation plan that you're going to
20 be following in order to comply with the orders; is that
21 right?

22 **A. Correct.**

23 Q. And then -- and it says, at the very end of
24 that e-mail, [As read] We look forward to you, giving
25 the thumbs up, prior to our reopening Wednesday at

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1 4:00 p.m.

2 Right?

3 **A. Right.**

4 Q. Okay. So you -- you understood that there was
5 going to be an inspection, but right after that, you
6 could reopen; right?

7 **A. Right.**

8 Q. If you were in compliance; right?

9 **A. Yes.**

10 Q. Is that right?

11 **A. Correct.**

12 Q. All right. So and then at the top of the
13 first page, there's an e-mail from Ms. Irani to you on
14 the morning of August 4th, 2020; right?

15 **A. Correct.**

16 Q. And do you recognize this e-mail?

17 **A. Yes.**

18 Q. Okay. And this says [As read] Thank you,
19 Donna and Chad. Thank -- thank -- thank you to you,
20 Donna and Chad for your willingness to come to the
21 meeting yesterday. I'm grateful to move forward and to
22 help you in any way.

23 Right?

24 **A. Correct.**

25 Q. And then, it -- discusses how Ms. Johnson is

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1 going to schedule a time with you to meet with you;
2 right?

3 **A. Correct.**

4 Q. And then, it says, [As read] Once we have that
5 completed, Nicole will let me know that she has updated
6 photos, and I'll reinstate your permit.

7 Right?

8 **A. Correct.**

9 Q. And it says, [As read] I'll also follow up
10 with an official short letter that says your permit is
11 reinstated.

12 Right?

13 **A. Correct.**

14 Q. And then it says, [As read] I -- I do wish you
15 and your family all the best, and my hope is for your
16 continued success with Friar Tuck's.

17 Right?

18 **A. Correct.**

19 Q. Okay. Now, so in this e-mail, Ms. Irani is
20 discussing the same site visit as we were --

21 (Simultaneous crosstalk.)

22 **THE WITNESS: Uh-huh.**

23 BY MS. CARLISLE:

24 Q. -- talking about with --

25 **A. Right.**

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1 Q. -- Exhibit 6?

2 A. Correct.

3 Q. Okay. And this -- this visit was to review
4 compliance and reinstate your permit; right?

5 A. Correct.

6 Q. Okay. And this e-mail doesn't mention
7 anything about your opposition to the public health
8 orders; right?

9 A. Correct.

10 Q. And then your -- your permit was reinstated on
11 August 4th, 2020; right?

12 A. Right.

13 Q. Okay. I want to take a look at another
14 exhibit. This will be seven.

15 (EXHIBIT 7 WAS MARKED FOR IDENTIFICATION.)

16 BY MS. CARLISLE:

17 Q. Okay. So this is a letter that was sent to
18 you from Ms. Irani on August 4th, 2020; right?

19 A. Right.

20 Q. And it says Notice Reinstatement of
21 Operational Permit; right?

22 A. Correct.

23 Q. Do you recall this letter?

24 A. Yes.

25 Q. You received it on August 4th, 2020?

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1 **A. Yes.**

2 Q. And it says, [As read] The Nevada County
3 Environment Health Department would like you thank you
4 for your cooperation with the July 13th, 2020 state
5 order regarding dine-in operations at Friar Tuck's.

6 Right?

7 **A. Correct.**

8 Q. And then it says, [As read] On August 4, 2020,
9 Nicole Johnson confirmed with you a scheduled inspection
10 of your facility for August 5th at 1:00 p.m.

11 Right?

12 **A. Correct.**

13 Q. And then it says, [As read] The site
14 inspection is to confirm the implementation of the
15 necessary steps to cease dine-in operations, right?

16 **A. Correct.**

17 Q. Okay. And then, in the next paragraph, it
18 says, [As read] Based on the e-mail you sent me, which
19 updates the Friar Tuck's operational plan is the current
20 efforts you are making to comply for the inspection of
21 your facility.

22 And -- did you understand that to refer to the
23 e-mail we -- we just looked at that you had sent to
24 Ms. Irani on the -- on the --

25 **A. Yes.**

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1 Q. -- night of -- of August 3rd?

2 **A. Correct.**

3 Q. Okay. And then, it says, [As read] Based on
4 this e-mail, your permit to operate has been reinstated
5 and is active as of August 4, 2020.

6 Right?

7 **A. Correct.**

8 Q. And it says, [As read] The Environmental
9 Health Department, in the spirit of cooperation and good
10 faith, pending your inspection tomorrow at 1:00, will
11 activate your permit today, August 4, 2020; right?

12 **A. Correct.**

13 Q. Okay. So -- so this letter is saying that
14 your permit is being reinstated in advance of the
15 inspection; right?

16 **A. Reinstated as of August 4. Correct.**

17 Q. And the inspection took place on August 5th;
18 right?

19 **A. Yes.**

20 Q. But the permit was reinstated before the
21 inspection; right?

22 **A. Right.**

23 Q. And it says that [As read] The reinstatement
24 is based on your coming into compliance with the --

25 (Simultaneous crosstalk.)

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1 **THE WITNESS: Correct.**

2 BY MS. CARLISLE:

3 Q. -- public health orders, right?

4 **A. Uh-huh, right.**

5 Q. Okay. And it -- and it doesn't mention any
6 discretion of your own omission to the public health;
7 right?

8 **A. Correct.**

9 Q. Actually, don't write on the exhibit. Sorry.

10 **A. Sorry.**

11 Q. No problem.

12 Okay. And then, the fines that had been
13 imposed on Friar Tuck's were later reduced to one-third;
14 correct?

15 **A. Correct.**

16 Q. Do you recall when that happened?

17 **A. I can't remember the date. I just know it
18 happened.**

19 Q. Was it in the fall of 2020?

20 **A. Maybe. I -- I don't have the date.**

21 Q. Did you -- did you have any further
22 discussions with anyone from the county about reducing
23 your fines after the August 3rd meeting?

24 **A. I didn't have any direct contact on the fines.
25 I believe our attorney did.**

September 06, 2023

1 Q. Okay. So -- so the negotiations about
2 reducing the fines after the August 3rd meeting were
3 done by your attorney, not you?

4 A. I believe so, yeah. I don't remember
5 negotiating it.

6 Q. Okay. I want to look at one more exhibit.

7 (EXHIBIT 8 WAS MARKED FOR IDENTIFICATION.)

8 BY MS. CARLISLE:

9 Q. So this is a letter that was sent to you on
10 April 21st, 2021, from Ms. Irani; correct?

11 A. Correct.

12 Q. Do you recall this letter?

13 A. Yes.

14 Q. Okay. And this -- this letter is saying --
15 it's discussing the fact that Tuck's was issued a notice
16 of violation on July 21st, 2020; right?

17 A. Right.

18 Q. And then, it's -- in the middle of the second
19 paragraph, it -- it says it was agreed that your
20 restaurant would come into compliance and your permit
21 was therefore restored; right?

22 A. Correct.

23 Q. Then it says, [As read] Based on your
24 cooperation, the county agrees to reduce the fines to
25 the amount of one time the annual permit fee or

September 06, 2023

1 nine-sixty-one -- \$961; correct?

2 **A. Correct.**

3 Q. Which is one-third of the original fee of
4 \$2,883; right?

5 **A. Yes.**

6 Q. And so this -- this letter discusses the fact
7 that the fees were reduced based on your agreement to
8 come into compliance with the public health orders;
9 right?

10 **A. Correct.**

11 Q. And it doesn't mention anything about your
12 opposition to the public health orders; right?

13 **A. Correct.**

14 Q. Now, the -- the second paragraph -- or
15 sorry -- the third paragraph says that you have not yet
16 submitted the fines; right?

17 **A. On...**

18 Q. On -- on this latest exhibit?

19 **A. Oh, I'm sorry.**

20 Q. Down on the --

21 **A. Yeah.**

22 Q. Yeah. So did you ever pay the fines?

23 **A. No.**

24 Q. Okay. And why is that?

25 **A. We didn't agree.**

September 06, 2023

1 that you should stop meeting with the coalition; right?

2 **A. Right.**

3 Q. And there was no time in 2021 when any
4 representative from the county told you to stop meeting
5 with the coalition; right?

6 **A. Correct.**

7 Q. And also, in 2021, no representative of the
8 county told you to -- to stop your opposition of the
9 public health orders; right?

10 **A. Correct.**

11 Q. And in 2021, no representative of the county
12 told you to stop encouraging other people to oppose the
13 public health orders; right?

14 **A. Right.**

15 Q. Okay.

16 MS. CARLISLE: Let's take a ten-minute break.

17 THE VIDEOGRAPHER: We are going off the record
18 at 2:23 p.m.

19 (Off the record.)

20 THE VIDEOGRAPHER: We are back on the record
21 at 2:33 p.m.

22 BY MS. CARLISLE:

23 Q. After the August 3rd meeting, the county
24 didn't ever fine Friar Tuck's again; is that right?

25 **A. Correct.**

September 06, 2023

1 Q. Okay. And -- and the county never suspended
2 Tuck's permit after -- after the August 3rd meeting?

3 A. Correct.

4 Q. Did the county ever enforce the public health
5 orders to Tuck's in any way after the August 3rd
6 meeting?

7 A. The only -- one of the -- and I was trying to
8 recall -- recollect what happened, but we were getting
9 ready to pay our health permit fees, and I don't
10 remember -- I don't have the exact dates, but my
11 bookkeeper -- we sent in the check to pay our permit,
12 and she kept saying checks not cashed.

13 So I called a few times, and they said, "Oh,
14 we haven't cashed it yet."

15 It was like a month later, so the person I
16 spoke to on the phone -- I don't know who they were
17 said, "I have to talk to Kit Elliot about this, and
18 we'll let you know."

19 Q. When was that?

20 A. When I was trying to renew my permit -- my
21 health permit.

22 Q. Was this in 2020 or 2021?

23 A. It was in 20 -- I thought it was 2020. I
24 thought it was 2020, when we -- we just got our, you
25 know, pay your permit and -- and they said it's on hold,

September 06, 2023

1 Q. Okay. But you never paid the --

2 **A. Correct.**

3 Q. -- the fees. Okay.

4 There was never any time after the
5 August 3rd, 2020 meeting when the county refused to
6 negotiate with Tuck's; correct?

7 **A. Not that I'm aware of. Correct.**

8 Q. Okay. And, in fact, there was never any time
9 when the county refused to negotiate with Tuck's at all;
10 right?

11 **A. I mean, yeah. There wasn't any negotiation.**

12 Q. Well, there was a negotiation at the
13 August 3rd meeting; right?

14 **A. Oh, yeah. Okay. I see what you're saying.**

15 Q. So the -- the county did speak to you about
16 the fines --

17 **A. On --**

18 Q. -- and permit?

19 **A. -- on that day.**

20 Q. Okay. They never refused to negotiate with
21 you about the fines and permit suspension; right?

22 **A. Correct.**

23 Q. Okay. You're aware of other restaurants that
24 did not comply with the public health orders; right?

25 **A. Correct.**

September 06, 2023

1 restaurant.

2 Q. Was closed down?

3 A. Yeah.

4 Q. What about Sergio's?

5 A. I believe he got the notice. I think he did.

6 I was closer to Robin, but I think he did, but he said

7 we're not doing it.

8 And the rest of them were very -- they were
9 very nervous to be part of it because they thought they
10 were going to get shut down if they stand any
11 opposition.

12 Q. Are you claiming that there are other
13 restaurants that were retaliated against for speaking
14 out against the COVID restrictions?

15 A. I'm not aware if they were retaliated. I know
16 that they resisted wanting to -- to speak differently
17 about the situation.

18 Q. Who are you referring to?

19 A. The ones I mentioned to you.

20 Q. 111 (unintelligible) --

21 (Simultaneous crosstalk.)

22 THE WITNESS: MeZe, Tofanelli's -- I'm trying
23 to think of some of the others. I'm not sure if it was
24 Three Forks, Crazy Horse. I mean, I talked to all of
25 them, and I talked to -- I've got a list of --

September 06, 2023

1 somewhere -- I don't know -- I thought I did, anyway --
2 all the restaurants I met in Truckee and Tahoe. And
3 everywhere I would go, they go: Yeah, I'm not doing it,
4 but I don't want to be part of what you're doing because
5 they know who you are. We're going to get tagged.

6 BY MS. CARLISLE:

7 Q. Were there other restaurants that -- that
8 you're claiming the county refused to negotiate with
9 about fines and permits?

10 A. I don't know of any of the others that got
11 fines. I'm not aware of other fines being given to
12 other restaurants.

13 Q. Okay. So -- so you're not aware of other
14 restaurants that believe were retaliated against for
15 speaking out against the public health order?

16 A. Yeah. I don't know what they received, but I
17 know they just said: I want to be quiet about it.

18 I -- I don't know what conversations they had
19 with the health department.

20 Q. Okay.

21 Are you claiming that the coalition was
22 retaliated against?

23 A. Well, if -- if it's the name -- of the
24 individual restaurants were -- that were part of the
25 coalition, it wasn't ever spoken. The coalition has to

September 06, 2023

1 coalition was damaged as a result of the retaliation
2 you're alleging?

3 **A. The coalition is, like I said, is loosely**
4 **operated. So we're individually parts of a whole. So**
5 **the -- it wasn't the name brand coalition, it was the**
6 **key individuals. They call us the three -- whatever,**
7 **that were hurt. I think each one can express their own**
8 **damages, but as a group, you know, we were affected.**

9 Q. Okay. But you're not claiming any damages on
10 behalf of the coalition itself?

11 **A. No, that's correct.**

12 Q. Are you claiming any separate damages as to
13 yourself as an individual?

14 **A. No.**

15 Q. You're not claiming that the county is in any
16 way still violating your constitutional rights; right?

17 **A. Not that I know of.**

18 Q. You're not claiming that the county is
19 currently retaliating against you; right?

20 **A. Yeah, not that -- not that I'm aware.**

21 Q. And you're not claiming that the county is
22 currently not negotiating with you about a reduction in
23 your fines; right?

24 **A. Yes.**

25 Q. Because your fines were already reduced;

September 06, 2023

1 right?

2 **A. Correct.**

3 Q. In 2020; right?

4 **A. Right. Right.**

5 Q. And you're not claiming the county is not
6 negotiating with you about reinstatement of your permit;
7 right?

8 **A. Correct.**

9 Q. Okay. 'Cause that was already reinstated on
10 August 4, 2020; right?

11 **A. Correct.**

12 Q. You're not claiming the county is conditioning
13 any negotiations with you on your ceasing opposing the
14 public health orders; right?

15 **A. Correct.**

16 Q. And you're not claiming that the county is
17 currently conditioning any negotiations on your stopping
18 asking other people to oppose the public health orders;
19 right?

20 **A. Correct.**

21 Q. Because the public health orders are no longer
22 in effect; right?

23 **A. Correct.**

24 Q. Okay. And you're not claiming that the county
25 is -- is stating that establishment of the coalition is

September 06, 2023

1 grounds for not negotiating with you about
2 (unintelligible)?

3 (Simultaneous crosstalk.)

4 **THE WITNESS: Correct, correct.**

5 BY MS. CARLISLE:

6 Q. Since the -- since the August 3rd meeting, the
7 county has worked with Tuck's on a variety of issues; is
8 that right?

9 A. Well, they dropped off a packet or two and
10 told us about it. That was it.

11 Q. Didn't they work with you in 2022 to address a
12 rat infestation?

13 A. Oh, that. Okay. I thought you were talking
14 about COVID. Oh, yeah.

15 Q. So you --

16 A. I mean, I like them. We have a good
17 relationship.

18 Q. They worked with you on a variety of other
19 issues (unintelligible) --

20 (Simultaneous crosstalk.)

21 **THE WITNESS: Oh, that. Oh, yeah. Yeah.**

22 BY MS. CARLISLE:

23 Q. -- issues that (unintelligible) --

24 (Simultaneous crosstalk.)

25 **THE WITNESS: Oh, yeah. Yeah.**

September 06, 2023

1 BY MS. CARLISLE:

2 Q. -- besides COVID issues?

3 A. Oh, yeah. Yeah. I mean, we were working all
4 the time on fixing the floors and the walls and -- yeah.

5 Q. Okay.

6 A. Yeah.

7 Q. And there's been no refusal to work with you
8 or anything like that (unintelligible) --

9 (Simultaneous crosstalk.)

10 THE WITNESS: No. I think they've been --
11 they've been fine, and we love it. We like the idea
12 of -- get us straight and make it clean and --

13 BY MS. CARLISLE:

14 Q. Okay.

15 A. -- the more they tell us, the better.

16 Q. Okay.

17 MS. CARLISLE: Let's take a brief break for
18 about ten minutes.

19 THE VIDEOGRAPHER: We are going off the record
20 at 3:03 p.m.

21 (Off the record.)

22 THE VIDEOGRAPHER: We are back on the record
23 at 3:15 p.m.

24 BY MS. CARLISLE:

25 Q. Okay. Mr. Paige, the restaurant coalition was

September 06, 2023

1 not mentioned at the August 3rd meeting; is that
2 correct?

3 **A. Correct.**

4 Q. Okay. And the county never stated to you that
5 establishment of the coalition was grounds to refuse to
6 negotiate --

7 **A. Right.**

8 Q. -- with Tuck's; right?

9 **A. Correct.**

10 Q. Okay. Your son mentioned yesterday that
11 there's a program -- a computer program that you have
12 that shows the dates when Tuck's was open; is that
13 correct?

14 **A. Oh, I have -- I had some Excel files where it**
15 **would say -- it would say March 19th, take-out,**
16 **take-out, take-out, take-out, you know, I was trying to**
17 **keep revenue going. So I have -- I mean, I've been**
18 **doing that ever since I got the restaurant, so that's**
19 **probably what he was referring to.**

20 Q. Okay. Is there a way we can get a copy of --
21 of -- of those files through the -- through -- during
22 the time period from March 19, 2020, through June -- I
23 think it was 15, 2021?

24 **A. I think they're -- I mean, I make my own, kind**
25 **of ugly files, but they are files. You know, you can**

September 06, 2023

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REPORTER'S CERTIFICATE

---oOo---

I, Olivia M. Rendon, a Certified Shorthand Reporter in and for the State of California, hereby certify that the witness in the foregoing deposition was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place therein stated; that the testimony of the said witness was reported by me, a disinterested person, and was thereafter transcribed under my direction into typewriting; that the foregoing is a full, complete, and true record of said testimony; and that the witness was given an opportunity to read it and, if necessary, correct said deposition and to subscribe the same.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing deposition and caption named, nor in any way interested in the outcome of the cause named in said caption.

Executed this 6th day of September, 2023.



Olivia M. Rendon, CSR 14306

EXHIBIT 16

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

---oOo---

TUCK'S RESTAURANT AND BAR a)
California corporation KENNETH R.)
PAIGE CHAD PAIGE BUCKMAN)
ENTERPRISES, LLC a California)
limited liability company ROBIN)
BUCKMAN and THE NEVADA COUNTY)
RESTAURANT COALITION, an)
unincorporated membership)
association,)

Plaintiffs,)

vs.)

No. 2:20-cv-02256-KJM-CKD

NEVADA COUNTY, CALIFORNIA;)
KATHERINE ELLIOT; and DOES 1)
through 10, inclusive,)

Defendants.)

_____)

ROBIN BUCKMAN, 30(b)(6)

SACRAMENTO, CALIFORNIA

SEPTEMBER 7, 2023

REPORTER: OLIVIA M. RENDON, CSR 14306

FILE NO.: 89418

September 07, 2023

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

---oOo---

TUCK'S RESTAURANT AND BAR a)
California corporation KENNETH R.)
PAIGE CHAD PAIGE BUCKMAN)
ENTERPRISES, LLC a California)
limited liability company ROBIN)
BUCKMAN and THE NEVADA COUNTY)
RESTAURANT COALITION, an)
unincorporated membership)
association,)

Plaintiffs,)

vs.)

No. 2:20-cv-02256-KJM-CKD)

NEVADA COUNTY, CALIFORNIA;)
KATHERINE ELLIOT; and DOES 1)
through 10, inclusive,)

Defendants.)
_____)

DEPOSITION OF ROBIN BUCKMAN, 30(B)(6)

at 555 Capitol Mall, Suite 1200, Sacramento, CA 95814,
beginning at 9:07 a.m., Thursday, September 7th, 2023,

Before Olivia M. Rendon, Certified

Shorthand Reporter No. 14306.

September 07, 2023

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A P P E A R A N C E S

FOR DEFENDANTS:

MEYERS NAVE
BY: CATHERINE L. CARLISLE

555 Capitol Mall,
Sacramento, California 94814

916-556-1531
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FOR BAILEY & ROMERO:

BAILEY & ROMERO
BY: STEVEN C. BAILEY

2535 Kettner Boulevard, Suite 2A1
San Diego, CA 92101

(619)323-1389
steven@baileyandromerolaw.net

Also Present:

Steven Cathy, videographer

September 07, 2023

1 Q. So you kind of advertised that there was this
2 event occurring?

3 A. Yeah. So people could speak, and you know,
4 we're a small town.

5 Q. Okay. And how many people attended?

6 A. I don't have an accurate number.

7 Q. Was it less than 20? More than 50? Do you
8 have a ballpark?

9 A. It was probably around 50.

10 Q. Was there anybody else who was involved in the
11 management of Old Town Cafe besides yourself?

12 A. My wife.

13 Q. Okay. Was she involved as much as you or to a
14 lesser extent than you?

15 A. A lesser extent.

16 Q. Okay. Were there any employees who were in
17 more of a managerial role?

18 A. I had a head cook, but...

19 Q. Okay. Okay.

20 So you're aware that beginning in March 2020,
21 there were various public health orders, rules, and
22 guidance that were put in place to address COVID-19;
23 right?

24 A. Yes.

25 Q. Okay. I am going to call these the public

September 07, 2023

1 health orders or COVID restrictions just so that --
2 and -- and you'll understand that's what I'm talking
3 about; right?

4 **A. Yes.**

5 Q. Okay.

6 MR. BAILEY: And the objection continues.

7 BY MS. CARLISLE:

8 Q. Right. And you understand that a lot of these
9 were put in place by the state of California; right?

10 **A. Yes.**

11 Q. Okay. And you're aware that these public
12 health orders required that food service establishments
13 comply with certain requirements; right?

14 **A. Yes.**

15 Q. And these requirements were aimed at stopping
16 the spread of COVID; right?

17 **A. That's what they said.**

18 Q. Okay. You understand that was the -- that was
19 the purpose even, if you disagree with -- with the
20 purposes?

21 **A. Yes.**

22 Q. Okay. And these requirements applied to Old
23 Town Cafe; right?

24 **A. Yes.**

25 Q. So there were certain times between March 2020

September 07, 2023

1 and June 2021 when restaurants were required to cease
2 providing certain types of services; right?

3 **A. Yes.**

4 Q. Okay. And that included on-site dining as a
5 whole, in some instances; right?

6 **A. Yes.**

7 Q. And then also outside dining sometimes;
8 correct?

9 **A. Yes.**

10 Q. Okay. And restaurants were also required, at
11 certain times, to limit indoor dining capacity; right?

12 **A. Yes.**

13 Q. And to comply with social distancing
14 requirements?

15 **A. Yes.**

16 Q. And to comply with masking requirements;
17 right?

18 **A. Yes.**

19 Q. Okay. And they were also prevented -- or
20 prohibited, I'm sorry, from hosting large events; right?
21 During -- during certain dates in this time period?

22 **A. Yes.**

23 Q. Okay. And from offering live music indoors?

24 **A. Yes.**

25 Q. Okay. And you acknowledge that Old Town Cafe

September 07, 2023

1 And did you require employees to wear masks?

2 **A. No.**

3 Q. Okay.

4 Did you require patrons to wear masks?

5 **A. No.**

6 Q. So on July 13th, 2020, there was an order that
7 required restaurants to cease indoor dining. Are you
8 aware of that?

9 **A. Yes.**

10 Q. Okay. And did Old Town Cafe cease indoor
11 dining at that time?

12 **A. No.**

13 Q. Okay. That -- so how long --

14 Did Old Town Cafe ever cease indoor dining
15 during that time period?

16 **A. Let me back that up for just a second.**

17 **We did cease for a period of indoor dining.**

18 Q. Was that --

19 **A. And did outdoor dining.**

20 Q. Was that starting in -- on July 13th, 2020?

21 **A. Right around there. Probably not on that
22 date. I don't remember what day of the week that was.**

23 Q. Was it --

24 **A. But --**

25 Q. -- shortly after July 13th, 2020?

September 07, 2023

1 Q. Okay. So -- so you still had outdoor dining
2 during the time period between December 11th, 2020 and
3 January 12th, 2021?

4 A. We did.

5 Q. Okay. Did you have indoor dining during that
6 period of time?

7 A. Yes.

8 Q. Okay. During -- during the --
9 We talked about the period right after
10 July 13th, 2020. For the rest of the summer, did you
11 require employees to wear masks?

12 A. No.

13 Q. Okay.

14 A. Can -- can you and I talk for just a second?

15 MR. BAILEY: We can, yeah.

16 Can we go off the record?

17 BY MS. CARLISLE:

18 Q. Yeah. Let's go off the record.

19 THE VIDEOGRAPHER: Okay. We are going off the
20 record at 9:46 a.m.

21 (Off the record.)

22 MR. BAILEY: Could we have the last -- I'm
23 sorry.

24 THE VIDEOGRAPHER: That's okay.

25 MR. BAILEY: The last question read.

September 07, 2023

1 that they were getting about my social media post.

2 During that inspection, we were social
3 distanced the way we were supposed to be. Everything
4 was -- we had the hand sanitize -- we had everything
5 that was required. The postings that were required we
6 were a hundred percent compliant at that point.

7 I brought up the masks for employees. And we
8 had deemed it because it was a hot summer. The kitchen
9 is hot. My -- the few I employees I did have at the
10 time were running in and outside. And we deemed it a
11 workplace safety issue. The health department agreed.

12 Q. Okay. So let's --

13 I want to just focus on the compliance with
14 the COVID restrictions for a moment.

15 So -- so it is true that during the summer,
16 you did not require employees to wear masks?

17 A. I did not.

18 Q. Okay. And you didn't require patrons to wear
19 masks, either?

20 A. I did not. I was not the mask police.

21 Q. Okay. And then, that was the same during the
22 fall? You did not require employees to wear masks in
23 the fall 2020?

24 A. Correct.

25 Q. Okay. And you also did not require patrons to

September 07, 2023

1 wear masks?

2 **A. No.**

3 Q. Okay. Did you ever require employees to wear
4 masks?

5 **A. No.**

6 Q. Did you ever require patrons to wear masks?

7 **A. No.**

8 Q. Okay. Let's talk about the capacity
9 limitations and social distance requirements.

10 So during the summer, did you enforce any
11 capacity limitations in the restaurant?

12 **A. Yes.**

13 Q. What did you do?

14 **A. We -- I think the number was -- per our
15 seating, we could let nine people in at a time. We did
16 that.**

17 Q. Okay. And was that just the number of people
18 you let in the door, or did you also remove tables and
19 things like that?

20 **A. We -- we removed and separated tables for
21 the -- for the social distancing.**

22 Q. Okay. Was there anything else you did for
23 social distancing requirements?

24 **A. Not that I'm aware of.**

25 Q. Okay. Now, how about the fall of 2020? Did

September 07, 2023

1 you comply with capacity limitations?

2 **A. We tried.**

3 Q. Okay. What do you mean you "tried"?

4 **A. It got to a point where people just didn't**
5 **care.**

6 Q. So who didn't care? The employees?

7 (Simultaneous crosstalk.)

8 **THE WITNESS: The --**

9 BY MS. CARLISLE:

10 Q. The patrons?

11 **A. -- no. The customers.**

12 Q. Okay. So customers.

13 So are you saying then that more than the
14 required number of people came in the restaurant at a
15 time?

16 **A. Yes.**

17 Q. Okay. And -- and so you weren't enforcing the
18 number of people that came in the restaurant?

19 **A. Again, we tried.**

20 Q. Oh, how did you try?

21 **A. We asked people to wait, but again, we're a**
22 **small town. Most of these people knew each other and**
23 **ate together all the time. And they basically said,**
24 **"Ah, don't worry about it," and other things.**

25 Q. Okay. So it -- when was that? When it --

September 07, 2023

1 when you started not really enforcing the capacity
2 limitations anymore?

3 **A. I couldn't give you an exact date.**

4 Q. But it was in the fall of 2020?

5 **A. Yeah. As going into winter, probably.**

6 Q. Okay. Do you think it was around October?

7 **A. October, November, maybe. Again, I'm not**
8 **definite on when -- mean, it was so long ago and...**

9 Q. Okay. But it was sometime in the fall 2020;
10 correct?

11 **A. Yes.**

12 Q. And during that time, you were also not
13 enforcing social distancing requirements; correct?

14 **A. I think we still had the social distancing**
15 **being done inside the restaurant.**

16 Q. The --

17 **A. Because we already had removed the tables,**
18 **they were outside. So the social distancing really**
19 **never changed as -- as far as 6 feet between the tables**
20 **and...**

21 Q. Okay. But people were not complying with
22 that -- customer who came in the restaurant?

23 **A. Well, they can't -- they can't sit any closer**
24 **than 6 feet if the tables are 6 feet apart.**

25 Q. During -- excuse me -- the -- the winter

September 07, 2023

1 of 2020, starting in December 2020, were you enforcing
2 capacity restrictions?

3 **A. No.**

4 Q. Okay. And were you enforcing social
5 distancing requirements?

6 **A. Social distancing always remained because we
7 never put the tables back to where they were.**

8 Q. Okay. At --

9 From that point forward, did you ever enforce
10 capacity restrictions? From December 20 --

11 **A. No.**

12 Q. Okay. And were you in charge of determining
13 Tuck's response -- oh, I'm sorry -- Old Town Cafe's
14 response to the -- to the public health orders?

15 **A. Yes.**

16 Q. Was there anybody else who was involved in
17 being responsible for the --

18 **A. No.**

19 Q. -- response? Okay.

20 Now, when the -- when the pandemic started, in
21 general, people started going out to eat less than --
22 than previously; correct?

23 **A. There was nobody going out to eat.**

24 Q. But --

25 **A. Everything was shut down.**

September 07, 2023

1 BY MS. CARLISLE:

2 Q. Okay. So Mr. Buckman, the county provided Old
3 Town Cafe with guidance about the COVID restrictions;
4 correct?

5 A. Yes.

6 Q. And that started in March 2020?

7 A. Yes.

8 Q. And what sort of guidance did the county
9 provide you?

10 A. Guidance about hand sanitizer, masks, social
11 distancing, that kind of stuff.

12 Q. So it was information about what the
13 restrictions were and how to comply with them?

14 A. Yes.

15 Q. Okay. And that continued throughout the COVID
16 restriction period?

17 A. Their guidance or...

18 Q. Yes. That they provided you with guidance as
19 the orders changed.

20 A. To a point.

21 Q. What do you mean, "to a point"?

22 A. After we got the closure notice, we received
23 no more guidance.

24 Q. You received no more guidance at all?

25 A. No.

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1 versus being outside trying to breathe the smoke. So we
2 allowed it.

3 Q. Uh-huh.

4 A. They wanted be in there. They're adults. We
5 allowed it.

6 Q. That was primarily in the summer of 2020?

7 A. Yes.

8 Q. And you're aware that the county received
9 complaints as well from people in the community about
10 Old Town Cafe's noncompliance; correct?

11 A. Yes.

12 Q. And were there representatives of the county
13 who -- I'm talking about the period before the closure
14 order. Were there representatives from the -- from the
15 county who contacted you about Old Town Cafe's
16 noncompliance?

17 A. Yes.

18 Q. Who contacted you?

19 A. Amy Irani.

20 Q. And when did she first contact you?

21 A. I don't know a specific date.

22 Q. Do you think it was before or after the
23 July 13th order to cease indoor dining?

24 A. Before.

25 Q. Okay. Was it in May or June?

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1 **A. Probably June.**

2 Q. How many times did she contact you in June?

3 **A. I don't know for sure, but probably a couple.**

4 Q. Okay. Now, were these by phone, or did she
5 come to the restaurant?

6 **A. By phone normally.**

7 Q. Okay. And -- and what did she say the first
8 time she contacted you?

9 **A. They -- they were receiving complaints that we**
10 **were non-compliant.**

11 Q. Okay. Did she say anything else?

12 **A. That we needed to come into compliance.**

13 Q. Okay. And what --

14 Did you have any other --

15 Was there any other -- other substance to the
16 conversation?

17 **A. No.**

18 Q. Okay. Do you recall what you said to her?

19 **A. No.**

20 Q. Okay. Was that the same type of conversation
21 each time she called you?

22 **A. Pretty much.**

23 Q. Okay. Was there anything different in any of
24 the other calls?

25 **A. Not that I recall.**

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1 Q. Okay. And then, did you have any other
2 contact with the county before the closure order?

3 A. The inspection I had, when we discussed the
4 masks, and we were social distanced. We had all the
5 required postings or the guidelines posting, and the
6 social distancing and whatnot.

7 Q. So how was that inspection set up?

8 A. They called me and said we've received a
9 number of concerns that -- because of what I wrote, that
10 I wasn't following any health guidelines. That was not
11 the purpose of the post. And we were, so they asked to
12 do an inspection or said they were going to do an
13 inspection.

14 Q. When -- when was this?

15 A. I believe it was right around the 20th, 21st
16 of July or June -- no July, I think. Right in that time
17 frame.

18 Q. Okay. So this was after the -- the
19 requirement that restaurants cease indoor dining?

20 A. I don't -- no. I -- I -- I think at that time
21 we were still allowed to do indoor dining.

22 Q. Well, the -- the indoor dining was prohibited
23 after July 13th, 2020.

24 A. So I -- it's...

25 Q. Was it shortly before the closure order?

September 07, 2023

1 **A. Yes.**

2 Q. Okay. So that occurred on the 21st of July?

3 **A. Okay. So it was prior to that.**

4 Q. Okay. Was it -- but it was close in time to
5 that?

6 **A. Yeah. But I'm pretty sure we were still
7 allowed to do indoor dining. It might have been in June
8 before the second closure.**

9 Q. How -- how close in time to the closure order
10 was this inspection?

11 **A. I honestly don't know. It wasn't very long.**

12 Q. Okay. Was it a few days?

13 **A. Oh, no. It was more than a few days.**

14 Q. A week?

15 **A. Probably a couple of weeks.**

16 Q. Do you have any record of the inspection?

17 **A. I do not. The county should.**

18 Q. Okay.

19 And how -- how long before the inspection were
20 you contacted to set up the inspection?

21 **A. A few days.**

22 Q. And who contacted you to set up the
23 inspection?

24 **A. I believe it was Amy Irani, although Antonia
25 did the inspection.**

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1 Q. What was Antonia's last name, do you recall?

2 A. I do not recall.

3 Q. Had you spoken to Antonia before?

4 A. Uh-huh. She was the inspector that usually
5 did my inspections.

6 Q. Okay. Before COVID?

7 A. Yes.

8 Q. Okay. Did she come and inspect the restaurant
9 between March 19th and this inspection that we're
10 talking about that happened in July?

11 A. No.

12 Q. Okay. So what did -- what did Ms. Irani say
13 when she contacted you to set up this inspection?

14 A. The fact that they had received a lot of
15 concerns and complaints that I was not following any
16 health code criteria because of the post that I wrote.

17 Q. Okay. So they had received --

18 She said that she had received complaints from
19 people -- complaints and concerns that people had
20 expressed to them that you were not following the
21 requirements and that -- that had to do with your post?

22 A. Not COVID requirements. Any health code.

23 Q. I see.

24 A. No longer washing the dishes, no longer
25 bringing things to temperature, not cleaning things.

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1 Q. Okay.

2 A. That was the gist of their worries.

3 Q. I see. And so she said that people had --
4 people had contacted the county saying that because of
5 your post, they were concerned that Old Town Cafe was
6 not following any sort of --

7 A. Correct.

8 Q. Okay. And so then she said that the county
9 wanted to set up an inspection to -- to check on that?

10 A. Uh-huh.

11 Q. Okay. And so the inspection, you're not
12 exactly sure, like, what the date was when that
13 occurred?

14 A. No. But it was before the closure order --
15 before the second closure order, because we discussed
16 the masks and everything else. We had the social
17 distancing. Everything was where it was supposed to be.

18 Q. Okay. But you also said that after the
19 closure order, the restaurant was still open for indoor
20 dining; right?

21 A. Correct. But we were not inspected after
22 that.

23 Q. Okay. Well, I thought you said before that
24 you weren't sure if it was before or after?

25 A. It was before. I'm -- I'm a little fuzzy on

September 07, 2023

1 the dates, but it was before the closure order.

2 Q. The July 13th, 2020 order?

3 A. Yes.

4 Q. Okay.

5 A. It had to be. And the -- the reason I'm
6 making that statement is because of the fact that we
7 discussed the masks, and the social distancing, and the
8 sanitizers were out, and the postings were up, and
9 everything -- everything was to what was supposed to be
10 in place at that time.

11 Q. I see. After the closure order, I think you
12 had said that you were still open for indoor dining;
13 correct?

14 A. Correct.

15 Q. And you had the -- you were enforcing capacity
16 limitations; right?

17 A. Yes.

18 Q. Okay.

19 A. After -- if we are talking about the second
20 closure order on July 13 --

21 Q. Yes.

22 A. Okay. We -- the city of Grass Valley actually
23 closed Mill Street.

24 Q. Okay.

25 A. Okay. So we were able to set up outdoor

September 07, 2023

1 dining. And we were doing outdoor dining, until we had
2 all the fires and everything and it was so smoky people
3 wanted to be inside.

4 Q. When was that?

5 A. Well, fires went on all summer, and it got bad
6 around July, August.

7 Q. Okay. So at -- at what point after July 13th,
8 did you start doing indoor dining?

9 A. I can't give you an exact date, but --

10 Q. It was in July sometime?

11 A. Probably, yes.

12 Q. Okay. So when -- when the county did this
13 inspection, when -- or I'm sorry.

14 You think it was before the closure order, but
15 was it still in July?

16 A. I honestly don't know, but I think so.

17 Q. Okay. So who came to the restaurant?

18 A. For that inspection?

19 Q. Yes?

20 A. Antonia.

21 Q. Was Ms. Irani there too or --

22 A. No.

23 Q. -- was it just Antonia?

24 A. Just Antonia.

25 Q. Okay. And were you the one who spoke to her?

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1 A. Yes. My wife and I were there.

2 Q. Okay.

3 A. We were actually closed.

4 Q. I see. And your wife also spoke to her?

5 A. Yes.

6 Q. Okay. And what did Antonia say at that
7 meeting?

8 A. Well, first of all, she said she couldn't
9 believe that I wouldn't be following any health
10 guidelines.

11 I mean, she did my inspection all the time.

12 Q. Okay.

13 A. And I said that's not the case. That's not
14 what the post was about. She came in, did her
15 inspection. We were triple-A. Everything was in place
16 like it was supposed to be. And we talked about the
17 masks.

18 Q. What did you talk about with regard to the
19 masks?

20 A. She asked about the masks, and I told her that
21 we -- my employees were allowed to wear masks if they
22 wanted to. That was up to them, but we deem -- I wasn't
23 going to enforce it because we deemed it a workplace
24 safety issue.

25 Q. Okay. And can you explain to why you deemed

September 07, 2023

1 it a workplace safety issue again?

2 A. Because masks made it harder for my employees
3 to breathe. They were running in and outside. Between
4 the smoke, the heat, and the exhaustion factor of being
5 short-staffed. And we literally were running indoor and
6 outdoor. It was too much.

7 Q. Okay. And what did Antonia say to that?

8 A. She agreed with that. She goes, "I can
9 understand that."

10 Q. She said, "I can understand that"?

11 A. And I believe she wrote that on her report.

12 Q. Okay. Did you receive a copy of the report?

13 A. I did.

14 Q. But you don't -- don't have it?

15 A. No. I do not. I'm sure the county would have
16 a copy of it.

17 Q. Did Antonia say anything else during that
18 meeting?

19 A. No. I was a normal, you know, we talked a
20 little bit about what was going on and stuff. And that
21 was about it.

22 Q. Okay.

23 A. Antonia and I always got along very well.

24 Q. After that meeting, between the period of time
25 from that meeting until you received the closure order,

September 07, 2023

1 did you have any other contact with the county?

2 **A. I don't believe so.**

3 Q. Okay. So what happened when you received the
4 closure order --

5 Well, first of all, when did you receive the
6 closure order?

7 **A. When did they slap the notice on my door?**

8 Q. Yes.

9 **A. I believe you said that was the 21st.**

10 Q. Yeah.

11 **A. That sounds right.**

12 Q. Let -- let me actually -- let me introduce two
13 exhibits so we can talk about that.

14 MR. BAILEY: Thank you.

15 (EXHIBIT 2 WAS MARKED FOR IDENTIFICATION.)

16 (EXHIBIT 3 WAS MARKED FOR IDENTIFICATION.)

17 BY MS. CARLISLE:

18 Q. Okay. So the first exhibit, Exhibit 2, which
19 is this letter here -- is dated July 21st, 2020; right?

20 **A. (Nonverbal response.)**

21 Q. I think it's the -- not the one that says
22 closed on it. The letter. (Unintelligible.) Yeah. So
23 this is dated July 21st, 2020; right?

24 **A. (Nonverbal response.)**

25

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1 eliminated and/or corrected.

2 Do you see that?

3 **A. Yes, I do.**

4 Q. Okay. At this time in July -- on July 21st,
5 this was during the time period after that July 13th
6 closure order that required -- or order, I'm sorry --
7 that required restaurants to close indoor dining; right?

8 **A. Yes.**

9 Q. Okay. Old Town Cafe was open for indoor
10 dining; correct?

11 **A. Yes.**

12 Q. Okay. So did you understand that this notice
13 of violation was being issued because Old Town Cafe was
14 not in compliance with the -- the current COVID
15 restrictions?

16 **A. Honestly, the way I read this. And it says,**
17 **[As read] An imminent or substantial health hazard.**

18 **However, there were no tests performed or**
19 **anything else inside my restaurant that would show a**
20 **health hazard or imminent health risk.**

21 Q. Okay. In the first paragraph of this letter,
22 it says -- it references the July 13th, 2020 order;
23 correct?

24 **A. It says, [As read] Order that all residents**
25 **are to heed any orders and guidance.**

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1 understood that -- that the -- the order was intended to
2 stop the spread of COVID; right?

3 **A. I don't mean to be argumentative. I really**
4 **don't. But I -- I don't.**

5 Q. Okay.

6 **A. And -- and guidance, to me, means something**
7 **different than I have to do it.**

8 Q. Well, you understood that there was -- the
9 guidance was related to stopping the spread of COVID;
10 correct?

11 **A. I will admit that that's what they told us.**

12 Q. Okay.

13 So in the -- in the second to last paragraph,
14 it says, [As read] The establishment is ordered to close
15 and shall be closed until correction is made.

16 Okay. So you understood that this notice of
17 violation and the -- the closure order, which is
18 Exhibit 3, were -- were put in place, and would remain
19 in place until the restaurant came into compliance with
20 the -- the guidance or orders; correct?

21 **A. In a -- in a broad form.**

22 Q. What does that mean?

23 **A. Well, what the statement actually says is**
24 **that -- that somewhere in my restaurant, there's health**
25 **hazards. Yet again, there were no tests performed.**

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1 correct?

2 **A. Again, that's what they told us.**

3 Q. Okay. You may not agree with that, but that
4 was the health hazard that -- that was referred to?

5 **A. Yes.**

6 Q. Okay. And you understood that in the -- in
7 the last paragraph here it says, [As read] In addition
8 to the closure of your establishment, failure to comply
9 will result in the imposition of fines.

10 Right?

11 **A. Yes.**

12 Q. So you understood that if Old Town Cafe did
13 not come into compliance with the -- the COVID orders or
14 guidance, it could be fined; correct?

15 **A. Yes.**

16 Q. Now, who came to provide you with this -- this
17 Notice of Violation and Closure Order on
18 July 21st, 2020?

19 **A. Amy Irani and another gentleman, I believe.**

20 Q. Okay. Do you know his name?

21 **A. I do not. I just refer to him as her muscle.**

22 Q. He -- you believe he was an employee of the
23 county or...

24 **A. I do.**

25 Q. Okay. And so he came with her. Did she speak

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1 to you?

2 A. Yeah. She asked me to sign this, and I said,
3 "Well, I need a few minutes to read it. Call my
4 attorney." She wouldn't give me the time, and then she
5 wrote on the back that I refused to sign it. And then
6 they slapped the notice on my door. That all took about
7 30 seconds.

8 Q. What do you mean she wouldn't give you the
9 time?

10 A. She wouldn't give me time. I said I need a
11 few minutes, we were -- she came -- she came at the
12 busiest time of day, lunchtime, we were packed. Inside
13 and outside. And -- she would not give me the time I
14 needed to actually read it and/or call my attorney to
15 find out if I should sign it.

16 Q. Did she say anything to indicate that she
17 would not give you the time?

18 A. She said, "Yeah. I don't have time for this.
19 Just sign it."

20 Q. Okay.

21 A. I said, "Well, I can't sign it."

22 Q. And -- and what happened after that?

23 A. She wrote on the back of it and left.

24 Q. Okay. Did she say anything else?

25 A. She did say that this establishment was closed

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1 to my patrons.

2 Q. And it -- so after -- after you received this
3 notice of violation and -- and the closure order was
4 posted, did -- Old Town Cafe did not cease indoor
5 dining; correct?

6 A. We did not.

7 Q. Okay. And after this, fines were imposed on
8 Old Town Cafe; correct?

9 A. Yes.

10 Q. When were the fines imposed?

11 A. I have no idea --

12 Q. When --

13 A. -- when they started to impose fines. My
14 understanding was it was every day.

15 Q. Was it --

16 Did you receive notice of the fines shortly
17 after this visit?

18 A. I honestly do not recall.

19 Q. Okay. And the operating permit was also
20 suspended for the restaurant; correct?

21 A. Yes.

22 Q. And when did that happen?

23 A. I don't --

24 I assume the same time this was -- this
25 happened.

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1 Q. Okay. Are you claiming that the county's
2 enforcement of the COVID public health orders was in any
3 way retaliatory?

4 A. Yes.

5 Q. And why is that?

6 A. Well, I --

7 They didn't like that we were not complying,
8 that we were also vocal about it.

9 Q. Well, you recognize, right, that Old Town Cafe
10 was not complying with the restrictions at this time;
11 right?

12 A. We did not comply with all the restrictions.

13 Q. Right. Amy Irani had never mentioned anything
14 about you voicing any opposition to the public health
15 orders; correct?

16 A. I don't think at that time.

17 Q. Okay. And no one else from the county had --
18 had voiced anything about your opposition to the public
19 health orders; correct?

20 A. Not that I recall. I know that there were a
21 lot of newspaper articles and such, and they were quoted
22 in there. But I can't recall exactly what was said. I
23 didn't keep them all.

24 Q. Nobody from the county talked to you about
25 your opposition of the public health orders before you

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1 received this notice; correct?

2 **A. I don't believe so.**

3 Q. And you're aware that there were other
4 restaurants that also were in violation of the public
5 health orders?

6 **A. There were a lot of restaurants that were in
7 violation. Only three of us got tagged.**

8 Q. But you are aware that the county enforced
9 restrictions against other restaurants?

10 **A. Only two others.**

11 Q. There are only two others that you believe
12 there were Notices of Violation and Closure Orders?

13 **A. Yes.**

14 Q. Okay. And what were those restaurants?

15 **A. Tuck's and Sergio's.**

16 Q. Okay. Are you aware of any other enforcement
17 activities besides Notice of Violation and Closure
18 Orders against other restaurants who were violating the
19 COVID order?

20 **A. Not at that time.**

21 Q. Let's -- let's switch gears and talk about
22 your opposition to the restrictions on local restaurants
23 during COVID.

24 So we talked about how the initial public
25 health orders were in place in March 2020; correct? So

September 07, 2023

1 what was your initial reaction to the restrictions?

2 A. What's going on? What -- you know, what is
3 this? That was niche -- nobody knew what it was, so we
4 did what we were asked -- what was asked of us. We
5 closed.

6 Q. And when did you stop --

7 When did you start -- when did you start
8 coming to the -- the conclusion that you were opposed to
9 the public health orders?

10 A. Well, as -- as information started coming out,
11 different information, from still reputable people and
12 places that this wasn't making any sense, this wasn't
13 doing any good, then we started looking at things, doing
14 research, making phone calls, talking to people, you
15 know.

16 And then looking at exactly what was going on
17 everywhere. Why were restaurants, barbers, bars singled
18 out. Where convenience stores, clothing stores, and
19 grocery stores weren't? What was the difference? Why
20 can you surf, but you can't swim? Why can you jog on
21 the beach, but you can't sit?

22 Stuff wasn't making any sense.

23 Q. When was that -- that you started...

24 A. Well, it was two weeks to flatten the curve.
25 And then that became close to 68 days, I believe. And

September 07, 2023

1 so it -- it was as -- as things were lifted for other
2 businesses, and grocery stores, and -- and the different
3 information was coming out. I can't give you an exact
4 time, but this was ongoing.

5 Q. Was it in the -- the spring or summer of 2020
6 that you started hearing about this other information
7 and it --

8 (Simultaneous crosstalk.)

9 THE WITNESS: Yeah. It would -- it -- it --
10 it started coming out pretty quickly after, you know,
11 all the closures started.

12 BY MS. CARLISLE:

13 Q. Okay. So do you think it was in March, or
14 April, or May -- or, I guess, can you -- can you sort of
15 (unintelligible) --

16 (Simultaneous crosstalk.)

17 THE WITNESS: I -- I -- I would say probably
18 closer to -- to May and --

19 MR. BAILEY: Be careful about talking over
20 her.

21 THE WITNESS: Oh, I'm sorry.

22 MR. BAILEY: Go ahead, and answer the
23 question.

24 BY MS. CARLISLE:

25 Q. Go ahead.

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1 A. I'm sorry.

2 I -- I would say closer to May because the --
3 the first -- the first six weeks are -- we did
4 everything. Because nobody knew anything. You know, we
5 were just as worried as everybody else. And then,
6 things started coming to light.

7 Q. Okay. So in about May 2020, you started
8 reading other information and deciding that -- that you
9 believed that this was not the way to -- to handle it?

10 A. Yeah. Yes. Sorry.

11 Q. And when did you start voicing your opposition
12 to the public health orders to other people?

13 A. Probably around the same time -- or we
14 questioned -- not so much the opposition as to why this
15 was happening. Why this and not that?

16 Q. So you were starting to talk to people about
17 just why is this happening?

18 A. Uh-huh.

19 Q. Okay. Who were you talking to?

20 A. Friends, relatives, neighbors, other business
21 owners, the public.

22 Q. Okay. And when did you start specifically
23 opposing the public health orders?

24 A. That was probably -- and again, I can't give
25 you an exact date, but as -- as things were -- as they

September 07, 2023

1 were -- as they were allowing things to open, but still
2 not allowing barbers, bars, and -- and -- and
3 restaurants to open, but everything else was open. It
4 was like, what is the difference? You know, why is
5 it -- it -- it made no sense.

6 Q. So you were questioning things, and you were
7 talking to people about why is this happening? Why is
8 it being approached this way? And things like that at
9 first; correct?

10 A. Yes.

11 Q. And that was in May 2020?

12 A. Rough and dirty.

13 Q. Okay. And then at some point after that, did
14 you start -- did you start opposing it, in the sense
15 that you tried to mount some sort of opposition against
16 the public health orders?

17 A. Can you ask that again, please?

18 Q. Well, so you said that you were talking with
19 other people about, you know, why is this happening?
20 Kind of, trying to gather information; correct?

21 A. Uh-huh.

22 Q. Okay. Did you ever speak out against the
23 public health orders in the sense that you were telling
24 other people that these orders were a bad idea?

25 A. I'm sure I did.

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1 Q. Okay.

2 A. I can't give you a time frame of when I
3 started to do that, but it wasn't from the get-go.

4 Q. Okay. It was sometime after May 2020?

5 A. Yes.

6 Q. Okay. And who were you speaking to about your
7 opposition to the public health orders?

8 A. Friends, neighbors, relatives, patrons, other
9 business owners.

10 Q. Okay. These were just, sort of, casual
11 conversations that you were having?

12 A. Yeah. Some were.

13 Q. What else was there besides casual
14 conversation?

15 A. Some were -- a lot of business owners would
16 get together, and we would talk about it.

17 Q. And when did that -- those get-togethers
18 start?

19 A. Well, there were never -- the official
20 get-togethers didn't start until -- oh, I don't know. I
21 don't have an exact date on that either.

22 But -- well, probably around the time right
23 before the restaurant coalition got started. And I
24 don't know the date on that.

25 Q. The restaurant coalition was started sometime

September 07, 2023

1 in September 2020. Does that sound right?

2 **A. Yeah.**

3 Q. Okay. Sometime in, sort of, the beginning of
4 the fall?

5 **A. Yeah. That sounds right.**

6 Q. The fall -- sometime in the fall. Okay.

7 Prior to the official start of the restaurant
8 coalition, there were some businesses that got
9 together --

10 **A. Uh-huh.**

11 Q. -- and discussed the opposition; correct?

12 **A. Sure.**

13 Q. Do you think that happened in August? Or was
14 it late summer? Was it midsummer?

15 **A. I honestly don't know. In that -- that whole
16 time period is kind of a blur as far as what exact dates
17 were.**

18 Q. Okay. And when you're talking about these,
19 would you characterize them as more informal
20 get-togethers of -- of business owners? As opposed to
21 more formal get-togethers that occurred after the
22 coalition got started?

23 **A. It was informal.**

24 Q. Okay. And how often did -- did these
25 get-togethers take place?

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1 A. I don't know. At first, you know, every now
2 and then. And when the coalition got started, I think
3 it was every week.

4 Q. Okay. And with these more informal ones,
5 before the coalition got started, was there a particular
6 place that you met?

7 A. I don't know if we were using Maria's at the
8 time or not. It would have been Kane's, not Maria's,
9 but...

10 Q. What is -- can you tell me what?

11 A. Kane's is a closed restaurant.

12 Q. Okay. Kane's is a restaurant. Is that in
13 Nevada City?

14 A. Grass Valley.

15 Q. Grass Valley, okay. And what's Maria's?

16 A. Maria's is a Mexican restaurant in Grass
17 Valley. She's the owner of the building.

18 Q. Is that --

19 A. Kane's.

20 Q. -- the same place where Kane's is located?

21 A. No. They're not in the same place. She just
22 owns the Kane's building.

23 (Simultaneous crosstalk.)

24 BY MS. CARLISLE:

25 Q. Okay. I see.

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1 **A. And allowed us to use it.**

2 Q. Okay. And Kane's was where the restaurant
3 coalition met; correct?

4 **A. Yes.**

5 Q. Okay. These more informal gatherings of the
6 restaurant owners. Did that also take place at Kane's?

7 **A. Maybe. I mean, I think we met at Tuck's**
8 **sometimes or my place at sometimes.**

9 Q. Okay. Besides these sort of informal
10 conversations that you had with friends, and family, and
11 other people you knew, and then these meetings -- either
12 informal or formal with other restaurant owners, was
13 there anything else you did to oppose the public health
14 orders?

15 **A. Can you clarify that?**

16 Q. Did you do anything else to express your
17 opposition of the public health orders? Besides these
18 informal conversations, and then, the informal meetings
19 with restaurant owners, and then, the more formal
20 meetings with restaurant owners.

21 **A. We went to the board of supervisors.**

22 Q. When -- when was that?

23 **A. We went all the time. Every time there was a**
24 **meeting.**

25 Q. When did you start going to a board of

September 07, 2023

1 supervisors meetings?

2 A. Again, you're -- I can't give you a date.

3 Q. Was it after you received the -- the closure
4 notice?

5 A. I think so.

6 Q. So it was sometime --

7 A. It may have -- we may have started going
8 before that.

9 Q. Was it after the July 13th closure of indoor
10 dining?

11 A. I believe so. But again, I'm not sure.

12 Q. Okay. It -- it may have been after the
13 closure order of your restaurant?

14 A. It may have been. But that had absolutely
15 nothing to do with why we started going to meetings.

16 Q. How often did you go to the meetings?

17 A. As often as I could.

18 Q. Okay.

19 A. I mean, I ran my restaurant. I mean, I worked
20 it. So it was harder for me to get away, and -- but we
21 went to every one we could.

22 Q. Okay. And what did you do at those meetings?

23 A. We spoke when we had the opportunity. We just
24 talked to other people, like-minded people. And
25 listened to what the board of supervisors had to say.

September 07, 2023

1 And asked them to actually look at the data
2 and get more information and not be the governor's
3 pawns.

4 Q. Okay. Did you ever write e-mails or letters
5 to the board of supervisors about your position on the
6 public health orders?

7 A. I don't think that I personally ever did. I
8 know a lot of my patrons did.

9 Q. Okay. Did you ever write e-mails or letters
10 to anybody else at the county about your oppositions to
11 the public health orders?

12 A. I don't think I that I did. But again, I know
13 my patrons did.

14 Q. Okay. Did you ever encourage other people to
15 write letters or e-mails to the county to express
16 opposition against the public health orders?

17 A. I would say that my restaurant was very
18 blue-collar. So there was always a lot of conversation
19 about what was going on and stuff.

20 People would always ask what they can do to
21 help, so we gave them the information on what they can
22 do to help, which was contact your board of supervisors
23 contact, your health department, Amy Irani, and board of
24 supervisors, show up at meetings. You know, let them
25 know how you feel and what you want.

September 07, 2023

1 Q. Okay. So you were sort of just providing
2 information to people about how to --

3 A. And encouraging.

4 Q. -- about how to -- about how to, you know,
5 express their views about --

6 A. Sure.

7 Q. -- the public health orders. Okay.

8 There -- you were not involved in some sort of
9 consorted effort to get people to write letters or
10 e-mails?

11 A. I don't know. I -- I mean, I guess that could
12 be construed as a -- you know, getting people to do it.

13 Q. But there was no -- these were more informal
14 conversations. It wasn't like a -- a letter-writing
15 campaign or something?

16 A. Well, I'm sure we did that.

17 Q. When did you do that?

18 A. I have no idea, but with the -- during this
19 time period, there was always something going on. I --
20 I mean, the -- the guidelines, or the mandates, or
21 whatever you want to call them, changed every flipping
22 day, you know.

23 And there was more of this and less of that.

24 And -- and people were, you know, coming to us for
25 information. And this is what we told them, was you

September 07, 2023

1 need to go to the meetings, you need to stand up, and be
2 counted. If this is how you're feeling, you know. This
3 is what we believe.

4 Q. Okay. When you talk about a letter-writing
5 campaign, there was no formal letter-writing campaign
6 where you were going out and soliciting people to write
7 letters?

8 A. No.

9 Q. Okay. Did you post on social media about your
10 opposition to the restrictions?

11 A. Probably.

12 Q. Do you remember when that was?

13 A. No.

14 Q. Was that frequent?

15 A. Depends on my mood.

16 Q. Okay. I think you said you posted, maybe on
17 average, a couple of times a week; is that right?

18 A. Uh-huh.

19 Q. Okay. Were --

20 What most of those posts about?

21 A. Posts that I made were -- were probably more
22 about what was going on and opposition.

23 Posts my wife made were probably more about
24 specials, and drinks, and things like that, so...

25 Q. And when did you start posting about your

September 07, 2023

1 opposition to the public health orders?

2 A. Well, the first post I -- I think that made
3 was the post that got me inspected, but that wasn't
4 about the health orders.

5 And then from there, it was probably posts --
6 and I'm speculating because I don't honestly remember,
7 but the posts were more probably about this makes no
8 sense.

9 Q. Okay.

10 A. How can -- how can you surf but not swim? I
11 mean, what's the difference? How can you eat outdoors
12 in a tent but can't eat inside? Those types of things.

13 Q. Okay. You mentioned the restaurant coalition,
14 and I think you said that was formed around the fall
15 of 2020; is that right?

16 A. Yeah. Rough and dirty. I honestly don't know
17 when that...

18 Q. Okay. It -- it was -- it was close to
19 September 2020 or in September?

20 He -- he can't testify for you.

21 A. Yeah. But do you know the answer?

22 Q. No. You can't ask him those types of things.

23 A. That's okay. I would be guessing, but yeah, I
24 would -- I would say yeah. I -- I mean, that -- that
25 came about as a -- we were just talking about, "Hey, why

September 07, 2023

1 don't we form a coalition and let -- put information out
2 there and -- and, you know, let other people communicate
3 as well."

4 Q. Okay. Who were the people that were involved
5 in the formation of the coalition?

6 A. **Myself and Ken originally.**

7 Q. Ken Paige?

8 A. **Yeah.**

9 Q. Okay. And -- then --

10 A. **Then -- Sergio.**

11 Q. He was involved initially as well?

12 A. **Yeah. It was the three of us.**

13 Q. Okay. What was Sergio's last name?

14 A. **I don't know.**

15 Q. Okay. He was the owner of Sergio's
16 restaurant?

17 A. **Yeah.**

18 Q. Okay. And were those the same people who were
19 involved in these more informal meetings of the
20 restaurant owners that we were talking about?

21 A. **Uh-huh.**

22 Q. Okay. Was there anybody else involved in the
23 more informal meetings?

24 A. **Yeah. There were a couple bar owners. A
25 couple of other businesses.**

September 07, 2023

1 (Simultaneous crosstalk.)

2 **THE WITNESS: And the building.**

3 BY MS. CARLISLE:

4 Q. Got it.

5 **A. Where Kane's was.**

6 Q. Okay.

7 **A. Or is -- well, now it's something else but...**

8 Q. So you mentioned Sergio's restaurant, Tuck's,
9 Tofanelli's, and Maria's.

10 **A. Yeah.**

11 Q. Were there any other restaurants involved?

12 **A. And MeZe. I believe Gary's -- Gary's might**
13 **have been -- Gary's Place, that was a bar. But -- and I**
14 **can't remember who else.**

15 Q. Okay.

16 **A. But some of them didn't even stay long, so...**

17 Q. Okay. And did the coalition continue to meet
18 throughout the fall of 2020?

19 **A. I guess. I believe so.**

20 Q. Okay. And what did the coalition do?

21 **A. We just got together and talked about things**
22 **and -- and -- and what could we do, and what were our**
23 **representatives doing, and who knew who, you know, and**
24 **how were they feeling, can we get ahold of them to help**
25 **us out with the supervisors, and that kind of thing.**

September 07, 2023

1 Q. So did members of the coalition contact the
2 county to express their opposition of the public health
3 orders?

4 A. I do not know. I assume a lot of them
5 probably did, or some of them did.

6 Q. And did members of the coalition go to the
7 board of supervisors meetings to (unintelligible) --
8 (Simultaneous crosstalk.)

9 **THE WITNESS: Some did.**

10 BY MS. CARLISLE:

11 Q. Okay. And did they do anything else to
12 express their opposition to the public health orders?

13 A. I don't know.

14 Q. In the winter of 2020 and going into 2021, did
15 the coalition continue meeting?

16 A. I think so, but not as often. I -- I at -- at
17 that time I was so -- didn't have any employees. So me,
18 getting to any type of meeting or anything was extremely
19 difficult.

20 Q. You didn't have any employees at all?

21 A. Well, no. Just not enough.

22 Q. I --

23 A. My wife and I were working seven days a week,
24 and that's why we started closing Mondays and Tuesdays
25 because we couldn't be there seven days a week. It was

September 07, 2023

1 (Off the record.)

2 THE VIDEOGRAPHER: We are back on the record
3 at 11:23 a.m.

4 BY MS. CARLISLE:

5 Q. Okay. So Mr. Buckman, after -- at some point,
6 after receiving the Notice of Violation and Closure
7 Order, you received notice that Old Town Cafe had been
8 fined; correct?

9 A. Yes.

10 Q. And -- and that its operating permit was
11 suspended; correct?

12 A. Yes.

13 Q. Okay. And after you received that -- those
14 notifications, did you reach out to the county to
15 discuss them?

16 A. No.

17 Q. Okay. You attended a meeting on
18 August 3rd, 2020, with county representatives; correct?

19 A. Yes.

20 Q. Okay. How did that meeting get set up?

21 A. I believe Steve set it up.

22 Q. Okay. When did you retain counsel?

23 A. Prior to that meeting.

24 Q. Okay.

25 A. Sorry, I --

September 07, 2023

1 Q. And -- and you retained Mr. Bailey; correct?

2 A. Yes.

3 Q. You did not retain Greg Lee; right?

4 A. No.

5 Q. Okay. So the meeting was set up. You weren't
6 personally involved in setting up this meeting; correct?

7 A. No.

8 Q. Okay. Did you discuss with the county the
9 permits -- or the permit suspension or the fines prior
10 to the meeting?

11 A. No.

12 Q. Okay. So at this meeting --

13 Well, first of all, who was -- who was at the
14 meeting?

15 A. County Counsel, Amy Irani, Steve Bailey,
16 myself, Ken Paige. I can't even remember my own son's
17 name, Chad. And I believe Sergio was there, but I'm not
18 sure if Sergio was there or not because he had different
19 counsel or had retained a different counsel at some
20 point.

21 Q. Okay. So did you mention your son?

22 A. No. I can't -- I was referring to the fact
23 that I still haven't come up with his name.

24 Q. Okay. It was -- it was Mr. Paige's son who
25 was -- who was present?

September 07, 2023

1 **A. Yes, Chad.**

2 THE VIDEOGRAPHER: I'm sorry. Your microphone
3 is kind of brushing against your shirt. Can you adjust
4 it a little bit? That should be good.

5 **THE WITNESS: Better?**

6 THE VIDEOGRAPHER: Yeah. Thank you.
7 (Conferring.)

8 MR. BAILEY: Lisa was at the meeting.

9 **THE WITNESS: Oh, Lisa was at the meeting,**
10 **yes.**

11 MR. BAILEY: I'm sorry.

12 **THE WITNESS: I'm sorry. My wife was at the**
13 **meeting.**

14 BY MS. CARLISLE:

15 Q. Okay. All right.

16 And -- and where did the meeting take place?

17 **A. Brewed Center (ph.)**

18 Q. Okay. And do you know what time it was?

19 **A. I do not.**

20 Q. So at that meeting, the county representatives
21 discussed the -- the public health orders; correct?

22 **A. Yes.**

23 Q. And -- and the requirements for restaurants to
24 comply with the public health orders; correct?

25 **A. I believe so.**

September 07, 2023

1 Q. Okay. And -- and they discussed how Old Town
2 Cafe was -- was not in compliance with the public health
3 orders; correct?

4 A. Yes.

5 Q. Okay. And in --

6 They reviewed the way in which Old Town Cafe
7 could come into compliance; correct?

8 A. I believe so.

9 Q. Okay. They told you that Old Town Cafe would
10 need to come into compliance in order for the fines that
11 were imposed to be reduced; correct?

12 A. Yes. And that we needed to have our patrons
13 stop inundating them with letters, e-mails, and phone
14 calls because they were unable to handle it. We needed
15 to behave.

16 Q. Well, so first, the --

17 They told you that Old Town Cafe would need to
18 comply with the orders in order for the fines to be
19 reduced; correct?

20 A. What we were told was that in order for them
21 to think about reducing the fines or reinstating our
22 food permits, we would have to behave. That included
23 the -- getting our patrons to stop writing, calling.

24 Q. You agree that it included complying with the
25 public health orders; correct?

September 07, 2023

1 **A. Yes.**

2 Q. Okay. And they told you that in order for Old
3 Town Cafe to get its permit reinstated, it would need to
4 comply with the public health orders; correct?

5 **A. I believe so.**

6 Q. Okay. Now, you mentioned a -- a comment
7 that -- that you say occurred at the meeting, that you
8 needed to behave; is that correct?

9 **A. Yes.**

10 Q. What was the exact statement that was said?

11 **A. I believe I already told you, but I'll**
12 **reiterate. That if we wanted them to look at reducing**
13 **our fines or reinstating our food permit, that we would**
14 **have to behave. Which included having our -- stop**
15 **asking our patrons to write letters, e-mails, and calls**
16 **to the health department, and the supervisors or...**

17 Q. When did this comment take place during the
18 meeting?

19 **A. I -- when we were talking about the fines and**
20 **stuff. I can't -- I couldn't give you time or...**

21 Q. It happened as the meeting was wrapping up; is
22 that correct?

23 **A. I don't recall that. But the -- the exact**
24 **time, but I mean, it -- it was a statement it was**
25 **directed right at me.**

September 07, 2023

1 **A. Yes.**

2 Q. Okay. Now, does that refresh your
3 recollection as to whether on the -- during the
4 August 3rd meeting, it was agreed that your restaurant
5 would come into compliance with the public health
6 orders?

7 **A. I suppose.**

8 Q. During --

9 **A. I --**

10 Q. During the August 3rd meeting, it -- we talked
11 about the fact that you had discussed the public health
12 orders and that Old Town Cafe was not in compliance with
13 them; correct?

14 **A. Yes.**

15 Q. And that Old Town Cafe needed to come into
16 compliance with them; correct?

17 **A. Yes.**

18 Q. Okay. During that meeting, did you discuss
19 the fact that if you came into compliance your permit
20 would be restored?

21 **A. I believe so.**

22 Q. Okay. And did someone come out to -- to
23 inspect the restaurant shortly after the August 3rd
24 meeting?

25 **A. I don't recall that inspection.**

September 07, 2023

1 year's permit?

2 **A. Right.**

3 Q. Right? So you would pay in October for the
4 permit that would start in January?

5 **A. No. It would -- it would start if -- if I**
6 **paid it in -- say if I paid it in September, and it was**
7 **due October 1st. Or I paid it in October, and it was**
8 **due November 1st. That was when the year started.**

9 Q. Okay. So?

10 **A. I believe.**

11 Q. Okay. So you think you paid for -- in
12 October of 2020?

13 **A. Oh, I know I did.**

14 Q. Okay. In October of 2020, you paid for the
15 permit that would go from October 2020 to October 2021?

16 **A. Yes. Correct.**

17 Q. Okay. But you did not pay the -- the 672.70,
18 which was the fine related to the -- the violation; is
19 that right?

20 **A. Correct. And that amount actually looks like**
21 **the normal amount I pay for my...**

22 Q. For the permit?

23 **A. My permit.**

24 Q. Yeah. It -- it says that the county reduced
25 the fines to the amount of one-time the annual permit

September 07, 2023

1 received the closure notice and the August 3rd meeting,
2 nobody from the county had instructed you or asked you
3 to stop opposing the public health orders; right?

4 **A. I -- I'm sorry. Repeat that?**

5 Q. Between the -- the closure notice that you
6 received on July 21st, 2020 and the August 3rd meeting,
7 no one from the county had told you that you needed to
8 stop opposing the public health orders; right?

9 **A. No.**

10 Q. They did not tell you that?

11 **A. They did not tell me that.**

12 Q. And they didn't tell you to stop encouraging
13 other people to stop opposing the public health orders;
14 right?

15 **A. Not before for August 3rd meeting.**

16 (Reporter clarification.)

17 **THE WITNESS: Yes.**

18 BY MS. CARLISLE:

19 Q. I believe you mentioned before that you're
20 aware of other restaurants that did not comply with the
21 public health orders; is that right?

22 **A. Yes.**

23 Q. And what restaurants were those again?

24 **A. MeZe, Humpty Dumpty, Lumberjacks, and I**
25 **believe for a very short time, Tofanelli's.**

September 07, 2023

1 Q. And are you aware of other restaurants that
2 were fined as a result of violations of the public
3 health orders?

4 A. The only one I would be aware of would be
5 Calla Lily Crepes in Nevada City.

6 Q. That was -- was fined?

7 A. I believe that they were. I mean, he's gone
8 now, too, I believe.

9 Q. He's -- sorry?

10 A. Gone out of business.

11 Q. I see, okay. What -- what was his name?

12 A. I do not recall.

13 Q. Did Calla Lily Crepes receive a Notice of
14 Violation and Closure Order?

15 A. I -- I actually don't know. I mean, it was
16 after us. He was on his own. He wasn't part of the
17 coalition.

18 Q. I see.

19 A. And -- and I think that it -- it actually
20 might have been more of a city thing than a county,
21 but...

22 Q. Okay. But he --

23 A. I know he was in a lot of trouble.

24 Q. Okay. You're not -- you're not sure whether
25 it was the city or the county? That --

September 07, 2023

1 **A. No.**

2 Q. -- enforced the public health orders with
3 regard to Calla Lily Crepes?

4 **A. Yeah. I know there was a lot going on there.**

5 Q. Okay. Were you aware of any other restaurants
6 whose permits were suspended --

7 **A. No.**

8 Q. -- because the violation of the public health
9 orders?

10 **A. No.**

11 Q. Okay. Are you aware of any other restaurants
12 that tried to negotiate anything with regard to the
13 county's enforcement of the public health orders against
14 them?

15 **A. No.**

16 Q. Okay. Do you believe there were any other
17 restaurants who were retaliated against for speaking out
18 against the public health orders?

19 **A. If you're referring to any other restaurants
20 between -- besides myself, Ken's, and Sergio's, no.**

21 Q. You believe that Tuck's and Sergio's were also
22 retaliated against?

23 **A. Yes.**

24 Q. Okay. And you agree that Tuck's and Sergio's
25 were also in violation of the public health orders;

September 07, 2023

1 Q. And the county never refused to negotiate
2 lowering of your -- the fines that were imposed;
3 correct?

4 A. No.

5 Q. How do you claim you were damaged as a result
6 of the retaliations you were alleging?

7 A. My reputation was damaged.

8 Q. And what do you mean by that?

9 A. Well, my standing in the town. I'm -- and
10 you're speaking of directly about the retaliation part
11 of how I was damaged?

12 Q. Well -- yes.

13 A. Well -- and I do have a date for you for the
14 post, an exact date. The post that we were talking
15 about that kind of started this that led to the
16 inspection.

17 Q. The post where you were talking about...

18 A. Not following Newsom's mandate -- or if Newsom
19 was not going to enforce the law, then Old Town was not
20 going to follow the law. It was 6/19/2020.

21 Q. That post was not specifically discussing the
22 public health orders, was it?

23 A. No. It was not, but it led to an inspection.

24 Q. Well, what led to the inspection was that the
25 county received complaints or comments about concerns

September 07, 2023

1 Q. So let's take these separately.

2 So the -- the closure order, you -- you
3 acknowledge that the -- that the closure order was
4 imposed because Old Town Cafe was not complying with the
5 restrictions at the time; correct?

6 A. That's what they say, yes.

7 Q. Well, Old Town Cafe was not complying with the
8 restrictions; right?

9 A. We weren't complying with all of the
10 restrictions.

11 Q. Including the directive to close indoor
12 dining; right?

13 A. Correct.

14 Q. The -- the statement you made about stopping
15 encouraging people to write letters are you referring to
16 what you believe occurred at the August 3rd, 2020
17 meeting?

18 A. Correct.

19 Q. And what -- what were you referring to when
20 you said statements in the newspaper?

21 A. There were lots of articles ongoing about what
22 was happening in the town and with certain restaurants.
23 Particularly mine, and Tuck's, and Sergio's. And the
24 county and the health department were quoted several
25 times in there. And again, I wish I had saved them all.

September 07, 2023

1 first closure.

2 Q. Are you alleging that the first closure was
3 retaliatory?

4 A. Well, no. I'm sorry.

5 Q. You can't tell how much money you lost that
6 was due to any actions of the county; right?

7 A. Correct.

8 Q. Okay. Is there any other -- are there any
9 other damages that you're claiming as a result of the
10 alleged retaliation?

11 A. My wife's health. The fear factor -- I mean,
12 when -- when you talk about damages, are we just talking
13 about monetary damages? Or are we talking about
14 psychological damage? Health damage?

15 Q. Well, you're not making a claim for emotional
16 stress in your -- in your lawsuit; right?

17 A. I'm just saying there's damage. You're asking
18 about damage.

19 Q. But you're not making a claim for emotional
20 distress; correct?

21 A. Not that I'm aware of.

22 Q. You're not making a claim to recoupe medical
23 bills; correct?

24 A. No. I am not.

25 Q. You're not claiming that the county is still

September 07, 2023

1 violating your constitutional rights in any way; right?

2 **A. They can't. I'm out of business.**

3 Q. Okay. So they're -- they're not continuing to
4 violate your constitutional rights; is that correct?

5 **A. No.**

6 Q. They're not?

7 **A. No. They're not.**

8 Q. And you're not claiming they're currently
9 retaliating against you in any way; right?

10 **A. No. They can't.**

11 Q. Okay. You're not claiming they're still --
12 they're in any way currently refusing to negotiate with
13 you about anything; correct?

14 **A. Correct. Other than this.**

15 Q. What's "this"?

16 **A. Wouldn't this be a negotiation?**

17 Q. I don't think this is a negotiation. This is
18 a deposition.

19 **A. Well, yeah. But I mean, prior to that, there
20 was a negotiation.**

21 Q. What negotiation?

22 **A. Was there not a conversation between the
23 county and our attorneys?**

24 Q. Are you referring to the settlement
25 conference --

September 07, 2023

1 **A. Yeah.**

2 Q. -- that occurred in April?

3 **A. Yes.**

4 Q. Besides this lawsuit, there's no way that the
5 county -- no -- no current way that the county is
6 refusing to negotiate with you; correct?

7 **A. No.**

8 Q. And the county has, in fact, worked with you
9 on issues with your restaurant since 2020; correct?

10 **A. No. Since the closure notice on July 13th --
11 or July 21st, when they slapped that notice on my door I
12 never had any inspections, any communications, that I
13 recall with the county at all.**

14 Q. I thought you said that Ms. Irani came to the
15 restaurant in -- in the spring of 2021?

16 **A. 2021. That's when everything was reopened.**

17 Q. Right. So --

18 **A. But after that point, up until everything was
19 reopened and normal inspections were to begin again, I
20 never heard from anybody.**

21 Q. After that point, though, you did have
22 interactions with the county; correct? After the spring
23 of 2021?

24 **A. Yes.**

25 Q. Okay. And those interactions were positive;

September 07, 2023

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REPORTER'S CERTIFICATE

---oOo---

I, Olivia M. Rendon, a Certified Shorthand Reporter in and for the State of California, hereby certify that the witness in the foregoing deposition was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place therein stated; that the testimony of the said witness was reported by me, a disinterested person, and was thereafter transcribed under my direction into typewriting; that the foregoing is a full, complete, and true record of said testimony; and that the witness was given an opportunity to read it and, if necessary, correct said deposition and to subscribe the same.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing deposition and caption named, nor in any way interested in the outcome of the cause named in said caption.

Executed this 2nd day of October, 2023.



Olivia M. Rendon, CSR 14306

EXHIBIT 17

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

--oOo--

TUCK'S RESTAURANT AND BAR,
et al.,

Plaintiffs,

-vs-

No. 2:20-CV-02256-KJM-CKD

NEVADA COUNTY, CALIFORNIA;
KATHERINE ELLIOT; AND DOES
1 - 10 INCLUSIVE,

Defendants.

_____ /

VIDEOCONFERENCE DEPOSITION OF

CLAIRE CHAPPLE

Monday, September 18, 2023

Reported By: MARY SICARI, CSR #11300

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APPEARANCES

(All parties appeared via videoconference.)

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1 even lids was a big deal. How do we store lids? Are
2 people going to be touching other lids? You know, I --
3 because I did so many gas stations, I think that's what I
4 recall being different and maybe taking longer.

5 Q Well, you know that -- or maybe you don't know.

6 One of the plaintiffs in this case is Tuck's
7 Restaurant & Bar.

8 A They --

9 Q Were they -- were they on your list of -- of the
10 restaurants you were responsible for at the beginning of
11 2020?

12 A Not to -- they're not my assigned facility at all,
13 but, during that Covid time where a lot of people were
14 really -- like kind of stay-at-home-order period and --
15 and after, a -- we took in complaints. So I feel like I
16 knew about Tuck's because I answer -- we all have to
17 answer the phones certain times of day, or we do what --
18 we share -- like the counter duty is what we call it. So
19 you check the e-mails, the general e-mail box. You check
20 the general phone line for your shift. So you -- we were
21 flooded with complaints during that time and concerns and
22 all kinds of stuff.

23 Q Was Old Town Cafe one of the restaurants that you
24 were responsible for doing inspections for at the
25 beginning of 2020?

1 A ACCELA.

2 Q -- "ACCELA, which is" -- all caps, A-C-C-E-L-A --
3 "which is given an ACCELA ID."

4 Do you understand what that is referring to?

5 A Yes, I do.

6 Q Can you describe what that's referring to, please.

7 A Yeah. Sure. So Evision is a database that we
8 track different facilities in. We do annual billing
9 through for the restaurants. You can create complaint
10 numbers in there. And it's just a way to have a record of
11 what we're doing, how we're documenting our time. You can
12 put your time towards that complaint number. You can run
13 a report and get all the complaint numbers.

14 I would say it's sort of inconsistently used.
15 It's -- it's a function of a database, a software program,
16 that you can use for that purpose, just to track
17 complaints.

18 And then ACCELA is a similar database, but it's
19 just -- you know, I think they may be owned by the same
20 company, but, for some reason, the ACCELA is a newer kind
21 of platform that we have more of our septic permits and
22 such in there.

23 And for a while, there was a little module in
24 ACCELA that would -- it would allow the public to go onto
25 a website. They could put in a complaint, and that could

1 come through ACCELA to us. So -- because complaints could
2 come from anywhere; right? They could come from somebody
3 online or somebody calling or e-mailing or in person.

4 Yeah.

5 Q Right. And so let me explore that with you here.
6 Well, I'm going to stop sharing that --

7 A Okay.

8 Q -- for a moment.

9 A Uh-huh.

10 Q And I want to ask you about a different -- put a
11 different document up for you.

12 MR. WILLIAMS: Okay. So I would ask the reporter
13 to mark this as Exhibit 3. It's a two-page document. The
14 first page has Bates numbers Nevada-000246, and it
15 continues to 000247.

16 Q And this should be pretty quick, but is it fair to
17 say this is an example of a complaint that is -- that was
18 submitted through the ACCELA system?

19 A I believe so. Yeah. I think so.

20 Q Okay.

21 A They -- when we see them, we see a different
22 screen with -- you know, it looks totally different, but
23 this is a -- kind of a nice, little summary, I guess.

24 Q Gotcha. And then there's some verbiage down here
25 toward the bottom of the first page, and it says,

1 "COVID-19 violation description."

2 And do you see what I'm referring to there --

3 A Yes.

4 Q -- in the document?

5 A Yes.

6 Q Can you read that okay?

7 A Yes, I can.

8 Q And then someone's saying that there was some
9 verbiage posted on the windows facing outside stating
10 that, under the Patriot Act, environmental health mandates
11 are an act of domestic terrorism.

12 Did you ever hear any of the plaintiffs in the
13 case make that claim?

14 A Terrorism -- no.

15 Q Never heard anything to that effect, that the
16 plaintiffs in this case were making a claim that, under
17 the Patriot Act, environmental mandates are an act of
18 domestic terrorism?

19 A No.

20 Q Okay.

21 A I think --

22 Q And in your --

23 A I'm sorry.

24 Q I'm sorry. Go ahead.

25 A I was just going to say not really through work

1 but just, you know, in my personal life, I remember
2 hearing, on the radio, a lot about the -- Newsom's orders
3 and whether were they enforceable and -- you know, it was
4 in the news a lot.

5 Q Right. Right. In your previous example, when --
6 or -- I'm sorry.

7 In your previous answer, when I was asking you
8 about Exhibit 2, about the spreadsheet of complaints, I
9 believe you said that the complaints can come in through a
10 variety of different means; correct?

11 A Yes.

12 Q So someone might come in in person and make a
13 complaint over the counter; correct?

14 A Yes.

15 Q That was one of the ways you mentioned.

16 A Uh-huh.

17 E-mail, phone.

18 Q Regular -- phone.

19 A Yes.

20 Q Possibly using regular mail --

21 A Yes.

22 Q -- even these days?

23 A Yeah.

24 Q Okay. And those would all go on the spreadsheet?

25 A Well, not at first. I mean I think we -- we were

1 STATE OF CALIFORNIA)
2) SS
3 COUNTY OF SACRAMENTO)
4

5 I, MARY SICARI, a Certified Shorthand Reporter in
6 and for the County of Sacramento, State of California, do
7 hereby certify that

8 CLAIRe CHAPPLe,
9 was by me duly sworn to testify to the truth, the whole
10 truth, and nothing but the truth in the within-entitled
11 cause; that said proceeding was taken via videoconference;
12 and that the testimony of said witness was reported by me,
13 a duly Certified Shorthand Reporter, and was thereafter
14 transcribed, under my direction, by computer-assisted
15 transcription;

16 I further certify that I am not of counsel for
17 either or any of the parties to said deposition, nor in
18 any way interested in the outcome of the case named in
19 said caption.

20 IN WITNESS WHEREOF, I have hereunto set my hand
21 this 28th day of September, 2023.

22
23
24
25

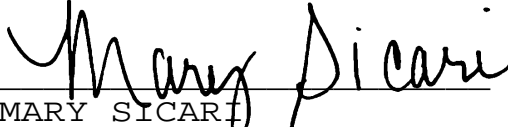

MARY SICARI
Certified Shorthand
Reporter #11300
County of Sacramento
State of California

EXHIBIT 18

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

--oOo--

TUCK'S RESTAURANT AND BAR,
et al.,

Plaintiffs,

-vs-

No. 2:20-CV-02256-KJM-CKD

NEVADA COUNTY, CALIFORNIA;
KATHERINE ELLIOT; AND DOES
1 - 10 INCLUSIVE,

Defendants.

_____ /

VIDEOCONFERENCE DEPOSITION OF
NICOLE JOHNSON
Monday, September 18, 2023

Reported By: MARY SICARI, CSR #11300

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APPEARANCES

(All parties appeared via videoconference.)

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1 Q It was just an ordinary process as far as you're
2 concerned?

3 A Yes.

4 Q And during that time period, did you also meet
5 Chad Paige?

6 A No.

7 Q Do you know Chad Paige now? Have you met him
8 since?

9 A I have encountered him, but I wouldn't say I know
10 him, but, yeah, I have met him.

11 Q Do you have any specific -- or do you recall
12 any -- withdraw that.

13 How did you encounter Chad Paige?

14 A If my memory serves me correctly, I do believe I
15 met him during -- when the Covid situation started to
16 unfold. And I -- if my memory serves me correctly, I
17 believe the first encounter I had with him was on a phone
18 call early in 2020.

19 Q What was the discussion during the phone call?

20 A We received a citizen complaint regarding some
21 kind of Covid parameter. I don't recall if it was masks
22 or indoor dining or -- or something of that nature. And
23 I -- I called, and I believe he's the one that answered
24 the phone at the restaurant that day. And it was very
25 brief, and he just simply stated that they would not be

1 complying with anything Covid related. My response was, I
2 think, at this time, probably my supervisor will be the
3 one to reach out further or take it from here or something
4 of that nature.

5 Q Do you recall if that was when the first Covid
6 orders came out, or was it after the -- well, if my
7 recollection serves me, there were some orders that
8 required a shutdown. Then the restaurants were allowed to
9 open up again, and then they were shut down subject to
10 some restrictions; right?

11 A Uh-huh.

12 Q So during which of those time periods, if you
13 recall, did you have this conversation?

14 A From what I recall and I -- it's fuzzy. So I
15 apologize on the -- about that on the front end. There
16 was a public stay-at-home -- or public health stay-at-home
17 order. And then after that, there was a reopening, but
18 there was supposed to be, in place, some Covid protocols
19 where the restaurants would write out their standard
20 operating procedure talking about when they would sanitize
21 tables or wear masks or different things like that. And I
22 believe it was during that period that the first
23 complaints started to come in from the general public, and
24 that's when I made the call to Friar Tuck's to inquire
25 about the complaint. And that's when it was a brief call

1 where they simply stated that they weren't going to -- and
2 I'm paraphrasing -- adhere to any of those things. And --
3 and then I -- I said, "Okay. I'm going to" -- "I'll
4 forward that on to my supervisor." And I ended the call
5 at that time. It was very brief.

6 Q And did you forward it on to your supervisor at
7 that point?

8 A I did.

9 Q Who did you forward it on to specifically?

10 A Amy Irani.

11 Q Was Amy Irani directly supervising you in the
12 enforcement of the Covid health orders?

13 A Yes.

14 Q During that telephone conversation with
15 Chad Paige, was he civil to you?

16 A Yes.

17 Q Didn't say anything threatening?

18 A No.

19 Q Did you have -- personally have occasion to deal
20 with both Chad and Ken Paige after that, after that phone
21 call, with respect to enforcement of the Covid orders?

22 A There were e-mail exchanges. Well, not really
23 exchanges. I should -- let me correct that and say it --
24 there were e-mails from me to them, and that was -- the
25 directive I was given, from Amy, was that, when we receive

1 citizen complaints, we are to then notify the
2 owner/operators of the establishment the general nature of
3 the complaint and provide them the state's educational
4 information, guidance, or sector industry guidance on
5 whatever that parameter might be related to Covid. So
6 dining or masks or outdoor tents or what have you.

7 Q So your interaction with both Ken Paige and
8 Chad Paige, after that telephone conversation you
9 testified to, was via e-mail?

10 A Yeah.

11 And it wasn't a lot of -- I don't recall much
12 interaction after that. It was mainly just, you know,
13 periodically, I would get the complaints and I would send
14 him the e-mail.

15 And then there was one -- there was a face-to-face
16 interaction that was also brief where my supervisor
17 directed me to go out to the restaurant, Friar Tuck's, and
18 confirm that they had, I guess, closed down their seating
19 area. And they had placed a chair kind of in the -- in
20 front of the dining area to indicate no one was walking
21 by. And I just made a note of that on a form, and that
22 was also brief but civil. I don't know the -- I don't
23 recall the time, but I believe 2020.

24 Q There's another individual who is a plaintiff in
25 the case. His name is Robin Buckman.

1 just they're due for an inspection.

2 We gave them the courtesy of doing an appointment.
3 Our standard policy is to show up unannounced. So we made
4 an appointment, and we went on site for the inspection.

5 Q After the Covid stuff started, did you personally
6 go to food establishments to inspect whether they were
7 complying with the restrictions?

8 A We were complaint driven, so we weren't seeking
9 out Covid issues.

10 There were -- one of my duties was, at that time,
11 to deliver pamphlets and educational material to the food
12 facilities. If we were there to do a routine inspection,
13 we would also make a note, at the bottom of the inspection
14 form, you know, whether cooks and servers were wearing
15 masks or if they -- stuff like that. If they had indoor
16 dining at the time, we would just kind of make a note of
17 it and then give them the educational materials.

18 Q Okay.

19 A But I wasn't going out trying to -- it was --
20 basically, we would make a note of that during a routine
21 inspection.

22 Q And by routine inspection, you mean the kind of
23 inspection that you would do regardless of whether there
24 was a Covid issue?

25 A Correct.

1 Q Okay. So -- so any inspections that you were
2 doing of food establishments, with respect to their Covid
3 compliance, were sort of coincidental to doing other
4 duties. Would that be fair to say?

5 A Mostly, but there were a couple of occasions where
6 I was directed to go confirm a complaint, and that was
7 only a couple -- a few times. I don't recall the exact
8 number, but it was only a short period of time where I was
9 engaged in that activity.

10 So essentially, we would get a citizen complaint.
11 We would send the owner/operator information letting them
12 know we got the complaint and the state sector guidance.
13 And then approximately five days later, we would go out
14 and just kind of observe if it was a packed house or if
15 servers had masks on or something like that. And then I
16 would document those, you know, basic findings on a -- on
17 a form and then come back to the office.

18 Q On any of those occasions, did you go to Old Town
19 Cafe?

20 A I don't recall.

21 Q Do you recall who you went to at all?

22 A It was -- I do recall walking past a bar. I think
23 it was McGee's Bar, walking past One 11 -- I don't know
24 the full name -- one 11 Bistro, I think. And then
25 Friar Tuck's was one. And I think that's about it.

1 don't -- I don't know if it was specifically him or maybe
2 people he was associated with at the time. So I just
3 don't recall.

4 Q Did Ms. Irani tell you if anyone was with her on
5 this occasion when she -- when she was engaged in the
6 events that are described in Exhibit 1?

7 A No, she didn't tell me that.

8 MR. WILLIAMS: Okay. I know we have only been
9 going a few minutes here, but I do need to take a break.
10 Let's say 10 minutes?

11 MS. CARLISLE: Okay. That's fine.

12 (Recess taken.)

13 Q BY MR. WILLIAMS: Okay. I put Exhibit 1 back up
14 on the screen, Ms. Johnson, and I want to ask you about
15 this.

16 There's a reference here to an individual named
17 Alison Lehman, L-e-h-m-a-n, on the page with the Bates
18 number 439. Is that name familiar to you?

19 A Yes.

20 That's --

21 Q Who --

22 A -- the county C.E.O.

23 Q Okay. Thank you. Okay. Now I'm putting another
24 document up there, which I going to ask the reporter to
25 mark as Exhibit 2, and that is -- I believe it's a

1 one-page document, and it's got Bates numbers
2 Nevada-001542. And I will scroll back up so you can read
3 that.

4 Okay. Do you recognize this as an e-mail that you
5 sent on or -- on July 14th, 2020?

6 A Yes.

7 And I believe that is the phone call that I made
8 note of -- reference to earlier --

9 Q Right.

10 A -- that was brief.

11 Q Right.

12 But the -- and I didn't mean to catch you out on
13 this. I'd kind of forgotten about this truthfully when I
14 was asking you about that.

15 But the e-mail says you spoke to Ken Paige, and I
16 believe you had testified earlier that you spoken to
17 Chad Paige.

18 A I don't recall exactly. If my memory serves me
19 correctly, they might have been a joint -- the two of them
20 might have been together on the call.

21 Q Okay. Does reviewing this refresh your
22 recollection as to any further discussion you had with Ken
23 or Chad Paige during that phone conversation?

24 A No.

25 Q Okay.

1 or post office, we'd have to tell them that's -- we're
2 not -- that's not what we would deem as our jurisdiction.
3 So, sorry, we're not going to take that complaint.

4 Q Right. Were most of the -- well, did you -- did I
5 just mess up?

6 Can you -- can you still see the document?

7 A I can, yeah.

8 Q Okay. Were most of the complaints about food --
9 well, I'm sorry. Let me back up.

10 Is that -- is that complaint spreadsheet something
11 that you had occasion to review from time to time during
12 this time period, June, July, August, September of 2020?

13 A Yeah. It was.

14 Q Were they mostly complaints about food facilities?

15 A Yes.

16 Q Okay. And the testimony was that this ACCELA,
17 which is capital A-C-C-E-L-A, was an online facility where
18 people could lodge complaints online. Does that sound
19 correct to you?

20 A We would describe it as the customer-facing portal
21 where they can, quote, unquote, report a problem or file a
22 complaint. So --

23 Q But that was done over the internet?

24 A Yeah.

25 There's a link to it on our county's website. And

1 so some people, in the public, who had concerns, chose to
2 use that avenue.

3 That's not the only way that we were receiving
4 complaints at the time, but that was one of the ways.

5 Q Right. Now, the last paragraph refers to: Please
6 note the individual tabs I added for logging in
7 observations after the facility has been issued closure
8 notice.

9 Was that part of the same spreadsheet, or was that
10 a different thing?

11 A I don't recall. I'm sorry.

12 Q No. That's fine.

13 Did you have occasion to log in observations after
14 the facility has been issued a closure order personally?

15 A I was using the spreadsheet to add complaints as I
16 received them, but I don't recall the tabs or the
17 distinction between closure notice versus non. I just
18 know they were -- all the restaurants that were getting
19 complaints were listed. And as we got the complaints, I
20 would add them into the spreadsheet. I -- I don't recall
21 any individual tabs that's mentioned here.

22 Q So based on Ms. Chapple's testimony, I would infer
23 that the complaints you were receiving were complaints
24 that came in over the telephone or if you were working at
25 the desk; is that correct?

1 A That's correct.

2 We trade turns. We all share counter duty because
3 we are required to provide 8:00-to-5:00, public-facing
4 counter service. Everyone, in our department, takes turns
5 to share that duty.

6 So whomever was on counter duty at a certain time
7 would have received potentially phone complaints, general
8 e-mail complaints, or walk-in complaints. And they were
9 instructed to put them on the spreadsheet or possibly send
10 the information to one of the consumer protection people,
11 and then we would put it on the spreadsheet for them.

12 Q Does that spreadsheet still exist?

13 A As far as I know, yes, but it's not being used.

14 Q I have put another document up on the screen,
15 which we'll mark as Exhibit 4. It's a one-page document
16 that has a Bates number -- I don't -- I guess it has more
17 than one -- Nevada-000206 through 207.

18 Have you seen documents in this format before?

19 A Yes.

20 This looks like a complaint that would come in
21 through the portal that I mentioned earlier.

22 Q Were there any other records of complaints
23 received from the public about the failure of food
24 establishments to follow the Covid orders?

25 A We were receiving them in a couple different ways.

1 What you just showed is one.

2 And I, personally, would always save them in
3 the -- we had a Covid folder separated by business name,
4 and I would save the complaint in there.

5 The directive then was to send an e-mail to the
6 owner/operator letting them know that I received a
7 complaint and provide the guidance.

8 I also saved those e-mails in that same folder to
9 kind of show here's the complaint, here's the e-mail
10 outreach to the operator. And that was -- that was the
11 process.

12 There was -- you know, if we received it by phone,
13 we would go into another program and generate a complaint
14 number and log that on the spreadsheet.

15 If we received a walk-in complaint -- sometimes,
16 people would drop off paper complaints. And we would scan
17 those too. Those were not as common.

18 But there could be three to four different ways
19 that the public could potentially submit a complaint.

20 Q So if I understand correctly what your answer was,
21 the complaints would not only go to spreadsheet but they
22 would also be put in a file that was maintained for the
23 particular operator.

24 A That's -- that's correct.

25 Q Okay.

1 STATE OF CALIFORNIA)
2) SS
3 COUNTY OF SACRAMENTO)
4

5 I, MARY SICARI, a Certified Shorthand Reporter in
6 and for the County of Sacramento, State of California, do
7 hereby certify that

8 NICOLE JOHNSON,
9 was by me duly sworn to testify to the truth, the whole
10 truth, and nothing but the truth in the within-entitled
11 cause; that said proceeding was taken via videoconference;
12 and that the testimony of said witness was reported by me,
13 a duly Certified Shorthand Reporter, and was thereafter
14 transcribed, under my direction, by computer-assisted
15 transcription;

16 I further certify that I am not of counsel for
17 either or any of the parties to said deposition, nor in
18 any way interested in the outcome of the case named in
19 said caption.

20 IN WITNESS WHEREOF, I have hereunto set my hand
21 this 28th day of September, 2023.

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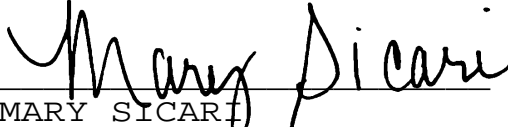

MARY SICARI
Certified Shorthand
Reporter #11300
County of Sacramento
State of California

EXHIBIT 19

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

--oOo--

TUCK'S RESTAURANT AND BAR, et al.,

Plaintiffs,

-vs-

No. 2:20-CV-02256-KJM-CKD

NEVADA COUNTY, CALIFORNIA;
KATHERINE ELLIOTT; AND DOES
1 - 10 INCLUSIVE,

Defendants.

_____ /

VIDEOCONFERENCE DEPOSITION OF

AMY IRANI

Tuesday, September 19, 2023

Reported By: MARY SICARI, CSR #11300

Page 1

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2 (All parties appeared via videoconference.)

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1 it's dated May 19th, 2020.

2 And I guess my question to you:

3 Would you agree with me that this is about the
4 time that the initial restrictions were lifted and food
5 facilities were -- bars and restaurants were allowed to
6 reopen subject to certain restrictions?

7 A Could you scroll down just a little bit, please.

8 Q I can scroll as much or as little as you like.

9 A Yes. On the 20th -- yes. That looks consistent.
10 It looks like an e-mail Ms. Johnson -- something that I
11 had sent out that she forwarded to Mr. Paige.

12 I was routinely updating our industry partners as
13 often as I could with the latest information that we were
14 receiving from public health. So that's what this --
15 correct -- looks like. It's an update on those actions.

16 Q And the other -- the other part of my -- and I
17 think you answered it, but the real part of my question
18 was the date.

19 May 19th, 2020, was about that time that the
20 initial restrictions were lifted so that restaurants and
21 bars, to a lesser extent, could reopen subject to certain
22 restrictions and -- correct?

23 A That is correct.

24 The restrictions being that they -- any seating
25 inside the facility was conducted as to provide 6 feet of

1 food establishments to determine whether they were in
2 compliance with the Covid restrictions. And again, I
3 directed you to that time frame, June 23rd, 2020. And I
4 guess we can put that back up, which I believe is the date
5 of the Exhibit 6. And I believe your answer was yes.

6 Am I -- so just to make it clear, were -- in
7 your -- in your subsequent answer, you described a
8 practice of taking information to the -- to the various
9 establishments, the sort of information packets.

10 Is there a difference between those two things?

11 Were inspections being done or not?

12 I just want to make sure I understand what was
13 going on, again, during this time frame because it was
14 different -- there were different situations at different
15 times.

16 A Sure. So I guess you're asking me, just for my
17 clarification, were we inspecting each and every
18 facility -- are you asking me on a daily basis for --

19 Q No.

20 A -- compliance with Covid?

21 What -- so what is your question?

22 Q Well, I -- no. I didn't say daily basis but --
23 and, of course, you have a huge number of facilities you
24 have to cover, so that would be ridiculous.

25 But was it, generally speaking, the practice,

1 during this time frame, that is -- after food
2 establishments were allowed to reopen in May of 2020, was
3 it the practice of the Department of Environmental Health
4 to conduct inspections of all the food establishments to
5 determine whether they were in compliance with the Covid
6 orders?

7 A Not every one, no.

8 We were completely complaint responsive. So if we
9 were getting complaints -- because you understand we have
10 800-plus brick and mortar food facilities all the way up
11 to the town of Truckee. So we were doing our mandate of
12 our required state inspections annually meaning touching
13 those facilities we hadn't already touched. Those that
14 were -- we received complaints upon, we were visiting them
15 just to ensure they were meeting the Covid guidelines and,
16 if they weren't, providing them education or providing
17 them assistance; how can we help you to meet those
18 guidelines.

19 Q Okay. I think I understand. Thank you.

20 Would it be fair to say that inspections for Covid
21 compliance, during the entire period that Covid was an
22 issue, that is, beginning in or about May of -- or -- I'm
23 sorry -- March of 2020, was complaint driven?

24 A That is correct.

25 Q Okay. Okay. And so what we're looking at here,

1 in Exhibit 6, is just something that was generated in
2 connection with the -- the department's policy of visiting
3 your constituents as it were and delivering the
4 information regarding the Covid orders. Is that fair?

5 A Yes with --

6 MS. CARLISLE: Robert --

7 THE WITNESS: -- a -- oh, I'm sorry. Please.

8 MS. CARLISLE: Robert --

9 THE WITNESS: I didn't mean to --

10 MS. CARLISLE: Yeah. Robert, could you scroll up
11 so she can see the date again.

12 MR. WILLIAMS: Sure. Sure.

13 THE WITNESS: So I would say, in regards to -- and
14 what I hear you asking me is was it the practice of
15 Environmental Health to respond to facilities on a
16 complaint basis to assist them with compliance of Covid
17 after the March 17th, 2020, initial guidance. And then
18 came again the May guidance that they could reopen with
19 restrictions.

20 Yes. It was complaint driven only based on Covid
21 complaints. That's how we responded at that juncture
22 after the facilities were allowed to reopen with
23 restrictions in play.

24 MR. WILLIAMS: Thank you.

25 Q I've put up, on the screen, a document that I will

1 for each facility. Depending on the size of the facility,
2 the -- the fee would vary, but that was my recommendation
3 because our ultimate goal was compliance, not to be
4 punitive.

5 So that, to me, was a venue that would avoid
6 exorbitant penalty amounts but, at the same time, issue a
7 penalty that could be negotiated if need be.

8 Q Did you say 11409?

9 A 114409, Health & Safety Code.

10 Q 114409. Okay.

11 A Yes, sir.

12 Q Thank you. I put up, on the screen, a document
13 that I'm going to ask the reporter to mark as Exhibit 14.
14 It has Bates numbers PTF00051 and 0052.

15 Can you see that pretty well, Ms. Irani?

16 A Yes, sir, I can.

17 Q Okay. And I would direct your attention to the
18 article on the right-hand side.

19 A Okay. Okay. Okay.

20 Q Have you had a chance to review the article to
21 your satisfaction, Mr. Irani?

22 A Yes, sir.

23 Q Okay. In earlier testimony, there was a mention
24 of The Union. And this appears to be an article from The
25 Union.

1 STATE OF CALIFORNIA)
2) SS
3 COUNTY OF SACRAMENTO)
4

5 I, MARY SICARI, a Certified Shorthand Reporter in
6 and for the County of Sacramento, State of California, do
7 hereby certify that

8 AMY IRANI,
9 was by me duly sworn to testify to the truth, the whole
10 truth, and nothing but the truth in the within-entitled
11 cause; that said proceeding was taken via videoconference;
12 and that the testimony of said witness was reported by me,
13 a duly Certified Shorthand Reporter, and was thereafter
14 transcribed, under my direction, by computer-assisted
15 transcription;

16 I further certify that I am not of counsel for
17 either or any of the parties to said deposition, nor in
18 any way interested in the outcome of the case named in
19 said caption.

20 IN WITNESS WHEREOF, I have hereunto set my hand
21 this 29th day of September, 2023.

22
23
24
25

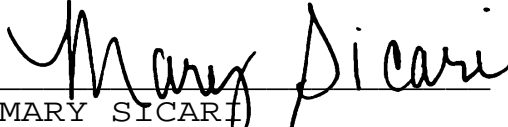

MARY SICARI
Certified Shorthand
Reporter #11300
County of Sacramento
State of California

EXHIBIT 20

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

TUCK'S RESTAURANT AND BAR,)	
et al.,)	
)	
Plaintiffs,)	
)	Case No.
vs.)	2:20-CV-02256-KJM-CKD
)	
NEVADA COUNTY, CALIFORNIA;)	
KATHARINE ELLIOTT and DOES)	
1-10, inclusive,)	
)	
Defendants.)	
_____)	

Deposition of
KATHARINE ELLIOTT
Wednesday, September 20, 2023

Reported by: Kathleen A. Russell, C.S.R. #7887

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MR. WILLIAMS	4

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1 fines, we have to see compliance going forward with
2 whatever the orders are." So in cannabis, it would be
3 not to grow more cannabis without a permit. In
4 building, it would be not to continue building without
5 going through the permit process. In this, it would be
6 to follow the State orders.

7 Q Okay.

8 A That's --

9 Q Well, my question was more specific.

10 Did you state to either or both Ken Paige or
11 Robin Buckman that in order to get the fines reduced and
12 the permit reinstated, they were supposed to behave?

13 A So I can't remember very specifically, but I
14 believe that my conversation was with Mr. Bailey because
15 we were going to follow up. And I said, "In order for
16 my client to reduce the fines, we would need to see, you
17 know, full compliance with the law."

18 Q Well, let me ask you this: At the time of the
19 meeting on August 3rd, were you aware that Robin Buckman
20 and Ken Paige had been involved in protesting
21 enforcement of the Covid orders?

22 A On August 3rd -- I don't think so.

23 Q On August 3rd, 2020.

24 A (Witness shakes head) -- in fact, I'm sure I --
25 I mean, I heard some of what they said in the meeting.

1 Q Uh-huh.

2 A But prior to that, no.

3 MR. WILLIAMS: Okay -- alrighty. Let's mark
4 this as Exhibit 8.

5 (Plaintiff's Exhibit 8 was marked.)

6 THE WITNESS: Do you want me to read this?

7 Q (By Mr. Williams) Sure -- well, let me ask you
8 this. I mean, I marked this because there's an article
9 relating to Covid --

10 A Okay.

11 Q -- that's on the right-hand side of the first
12 page --

13 A Right.

14 Q -- and the right-hand side of the second page.
15 Have you seen this article before?

16 A I'm sure I did.

17 Q Okay. Have you seen it recently?

18 A I think I -- I think so. I think so, yes.

19 Q Well, the only reason I ask that is -- are you
20 familiar with the contents of the article more or less?

21 A Vaguely.

22 Q Okay.

23 A Perusing.

24 Q Right. Well, it's an article in which the
25 Staff Reporter claims to have interviewed you.

1 REPORTER'S CERTIFICATE

2 I, KATHLEEN A. RUSSELL, do hereby certify:

3 That the witness named in the foregoing
4 deposition,

5 KATHARINE ELLIOTT,

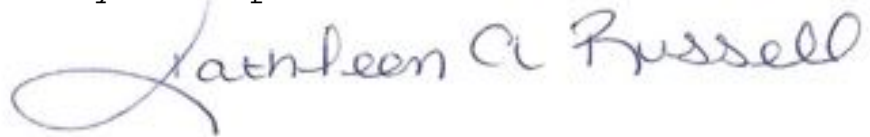
6 was present at the time and place therein specified;

7 That the said proceeding was taken before me at
8 the said time and place, and was taken down in shorthand
9 writing by me;

10 That I am a Certified Shorthand Reporter of the
11 State of California;

12 That the said proceeding was thereafter, under
13 my direction, transcribed into computer-assisted
14 transcription; and that the foregoing transcript
15 constitutes a full, true, and correct report of the
16 proceedings which then and there took place; that I am a
17 disinterested person to the said action.

18 IN WITNESS WHEREOF, I have hereunto subscribed
19 my hand this 24th day of September 2023.

20 

21
22 _____
KATHLEEN A. RUSSELL, C.S.R. #7887